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Washington, Tuesday, November 30, 1943

The President

EXECUTIVE ORDER 9396

AUTHORIZING THE SECRETARY OF WAR TO ISSUE CITATIONS IN THE NAME OF THE PRESIDENT OF THE UNITED STATES TO ARMY UNITS FOR OUTSTANDING PERFORMANCE IN ACTION

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. The Secretary of War is hereby authorized and directed to issue a citation in the name of the President of the United States, as public evidence of deserved honor and distinction, to any organization, unit, detachment, or installation of the Army of the United States or the Army of the Philippine Commonwealth for outstanding performance of duty in action on or after December 7, 1941.

2. An appropriate streamer, emblem, or guidon band, of such form and design as may be determined by the Secretary of War, may be displayed by the organization, unit, detachment, or installation described above, to which such citation is issued.

3. After any organization, unit, detachment, or installation of the Army of the United States or the Army of the Philippine Commonwealth is so cited for outstanding performance of duty in action occurring on or after December 7, 1941, a suitable device identifying such citation shall be issued to all officers and enlisted men who are assigned or attached as members of such organization, the device to become a part of the uniform of that organization; and any individual who was assigned or attached as a member of such organization on the occasion for which the citation was issued as provided herein, shall be entitled to wear the individual device, as a part of the uniform, at all times and wherever serving.

4. This order supersedes Executive Order No. 9075 of February 26, 1942,¹ relating to the same matter.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 22, 1943.

[F. R. Doc. 43-19052; Filed, November 27, 1943;
2:45 p. m.]

EXECUTIVE ORDER 9397

NUMBERING SYSTEM FOR FEDERAL ACCOUNTS RELATING TO INDIVIDUAL PERSONS

WHEREAS certain Federal agencies from time to time require in the administration of their activities a system of numerical identification of accounts of individual persons; and

WHEREAS some seventy million persons have heretofore been assigned account numbers pursuant to the Social Security Act; and

WHEREAS a large percentage of Federal employees have already been assigned account numbers pursuant to the Social Security Act; and

WHEREAS it is desirable in the interest of economy and orderly administration that the Federal Government move towards the use of a single, unduplicated numerical identification system of accounts and avoid the unnecessary establishment of additional systems:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. Hereafter any Federal department, establishment, or agency shall, whenever the head thereof finds it advisable to establish a new system of permanent account numbers pertaining to individual persons, utilize exclusively the Social Security Act account numbers assigned pursuant to Title 26, section 402.502 of the 1940 Supplement to the Code of Fed-

¹ 7 F. R. 1587.

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eral Regulations and pursuant to paragraph 2 of this order.

2. The Social Security Board shall provide for the assignment of an account number to each person who is required by any Federal agency to have such a number but who has not previously been assigned such number by the Board. The Board may accomplish this purpose by (a) assigning such numbers to individual persons, (b) assigning blocks of numbers to Federal agencies for reassignment to individual persons, or (c) making such other arrangements for the assignment of numbers as it may deem appropriate.

3. The Social Security Board shall furnish, upon request of any Federal agency utilizing the numerical identification system of accounts provided for in this order, the account number pertaining to any person with whom such agency has an account or the name and other identifying data pertaining to any account number of any such person.

4. The Social Security Board and each Federal agency shall maintain the confidential character of information relating to individual persons obtained pursuant to the provisions of this order.

5. There shall be transferred to the Social Security Board, from time to time, such amounts as the Director of the Bu-

realt of the Budget shall determine to be required for reimbursement by any Federal agency for the services rendered by the Board pursuant to the provisions of this order.

6. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 22, 1943.

[F. R. Doc. 43-19051; Filed, November 27, 1943;
2:45 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration (Marketing Agreements and Orders)

[FDO 22-5]

PART 1425—CANNED AND PROCESSED FOODS

CANNED CITRUS FRUIT AND CANNED CITRUS FRUIT JUICES

Pursuant to the authority vested in me by Food Distribution Order No. 22, issued by the Secretary of Agriculture on February 19, 1943, as amended (8 F.R. 2243, 6397), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1425.7 *Quota restrictions and allocations*—(a) *Definitions*.—When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "quota period" means the period from December 1, 1943 to November 30, 1944, both dates inclusive, in California; and the period from August 1, 1943, to July 31, 1944, both dates inclusive, in states other than California.

(2) The term "base period" means (i) with respect to grapefruit segments, orange juice, and orange juice and grapefruit juice blended, packed in the State of California, the period commencing on December 1, 1941, and ending on November 30, 1942; and with respect to grapefruit segments, orange juice, and orange juice and grapefruit juice blended, packed in states other than California, the period commencing on August 1, 1941, and ending on July 31, 1942; (ii) with respect to grapefruit juice packed in the State of California, the period commencing on December 1, 1942, and ending on November 30, 1943; and with respect to grapefruit juice packed in states other than California, the period commencing on August 1, 1942, and ending on July 31, 1943.

(3) The term "canned citrus fruit and canned citrus fruit juices" means the canned citrus fruit and canned citrus fruit juices listed in Column A of Table 1, attached hereto and by this reference made a part hereof.

(4) Each term defined in Food Distribution Order No. 22, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 22, as amended.

(b) *Quota restrictions*. Each canner of canned citrus fruit and canned citrus fruit juices shall set aside, in the manner and quantities hereinafter specified, and thereafter hold for delivery to Government agencies, canned citrus fruit and canned citrus fruit juices, respectively, packed by such canner at any time during the quota period. The quantity of canned citrus fruit and canned citrus fruit juices to be set aside from each canner's pack of each such product packed during the quota period, shall be computed by applying the percentage in Column B of said Table 1 against the respective canner's total pack of the respective product, during the base period, including his pack in metal and glass containers. If the type, style, variety, and grade of any such canned citrus fruit or canned citrus fruit juice are specified in said Table 1, such commodities shall be in the type, style, variety, and grade so specified; but other types, styles, varieties, and grades shall be substituted to the extent that those specified in said Table 1 are not packed. In the event a canner is preparing to pack, during the quota period, any canned citrus fruit or canned citrus fruit juice listed in Column A of said Table 1, which he did not pack during the base period, and for which unlimited tinplate is available under § 1068.1 of Conservation Order M-81, issued by the War Production Board on February 11, 1942, as amended (7 F.R. 947, 10321, 8 F.R. 14455), such canner shall so inform the Director by letter, stating the anticipated quantities to be packed; and such canner shall set aside, and thereafter hold for delivery to Government agencies, a quantity determined by applying the percentage set forth in Column B of said Table 1 against the canner's total pack during the quota period of each such canned citrus fruit or canned citrus fruit juice, respectively.

(c) *Applicability of order*. Canned citrus fruit and canned citrus fruit juices not listed in said Table 1 are not required to be set aside pursuant to the provisions hereof. The provisions of this order shall apply only to canned citrus fruit and canned citrus fruit juices packed in any of the 48 States of the United States or the District of Columbia.

(d) *When whole pack not set aside for Government*. In the event the provisions hereof do not require a canner to set aside his entire pack of any canned citrus fruit or canned citrus fruit juice specified in Column A of said Table 1, and to the extent that the respective canner's production of the first preference grade of any such canned citrus fruit or canned citrus fruit juice, respectively, specified in Column D of said Table 1, is sufficient, then at least two-thirds of the quantity of such product required to be set aside for Government agencies shall be set aside from such grade; and the remainder of the quantity of such product required to be set aside by the respective canner shall be set aside from his production of the second preference grade, if any, specified in Column E of said Table 1, to the extent that his production of such second preference grade is sufficient; and to the

extent that the quantity so set aside out of the first and second preference grades, as aforesaid, does not fill his quota for Government agencies, the respective canner shall set aside a sufficient portion of his production of the third preference grade, if any, specified in Column F of said Table 1, to complete his quota for Government agencies. In the event a canner packs the same product in tinplate and glass, such product set aside by the canner shall, insofar as the previously stated grade requirements permit, be set aside from the quantity packed in tinplate; and only in the event the quantity packed in tinplate is insufficient to comply with the set-aside requirements hereof, in accordance with the previous grade requirements, a quantity packed in glass shall be set aside to enable the respective canner to comply with such set-aside requirements. To the extent possible and insofar as compliance with the previous grade requirements permit, at least two-thirds of the quantity of canned citrus fruit and canned citrus fruit juices set aside for Government agencies shall be set aside in the largest can size specified in Column G of Table 1, and the remainder, if any, of such quantity shall be in the largest can sizes available, according to the order of preference specified in said Column G of Table 1.

(e) *Reports*. The reports required by § 1425.1 (c) of Food Distribution Order No. 22, as amended, shall be submitted on Form PD-343, revised. The reports shall be submitted to the Director within 15 days after the completion of the pack. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(f) *Purchase, inspection, and specifications*. The quantities of canned citrus fruit and canned citrus fruit juices set aside for Government agencies pursuant to the provisions hereof are hereby allocated to the Army of the United States, and the said Army may purchase such set aside commodities for its own account, or for the account of other Government agencies whenever it has agreed with such agencies to do so. The Army of the United States and the Food Distribution Administration, respectively, are authorized to inspect and grade such canned foods pursuant to § 1425.1 (d) of said Food Distribution Order No. 22, as amended. The Army of the United States is authorized to issue specifications at any time with regard to the processing, packing, containers, container treatment, can marking, labeling, boxing, and strapping of such canned foods pursuant to § 1425.1 (b) (5) of said Food Distribution Order No. 22, as amended.

(g) *Effective date*. This order shall become effective 12:01 a. m., e. w. t., December 1, 1943.

(E.O. 9280 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9344, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 22, 8 F.R. 2243, 6397)

Issued this 26th day of November 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

TABLE 1—CANNED CITRUS FRUIT AND CANNED CITRUS FRUIT JUICES

| A | B | C | D | E | F | G |
|--|----------------------|---|-------------------|---------------|-------------|--|
| Product | Per- cent- age | Type, style, variety (sequence does not denote preference) | Grade preferences | | | Can size (se- quence denotes preference) |
| | | | First | Second | Third | |
| Grapefruit..... | 55 | Segments..... | Fancy..... | Choice..... | Broken..... | 2..... |
| Grapefruit juice.... | 32 | Sweetened, or unsweetened..... | Fancy..... | Standard..... | | 10-3 cyl.-2..... |
| Orange juice..... | 42 | Sweetened or unsweetened..... | Fancy..... | Standard..... | | 10-3 cyl.-2..... |
| Orange juice and grapefruit juice blended. | 60 | Sweetened, unsweetened (50% orange) (50% grapefruit). | Fancy..... | Standard..... | | 10-3 cyl.-2..... |

[F. R. Doc. 43-19006; Filed, November 26, 1943; 3:45 p. m.]

[FDO 4-4]

PART 1450—TOBACCO

1943 CROP FIRE-CURED AND DARK AIR-CURED
TOBACCO

Pursuant to the authority vested in me by Food Distribution Order No. 4, issued by the Secretary of Agriculture on January 7, 1943, as amended (8 F.R. 335, 11331), and to effectuate the purposes of such order, It is hereby ordered, as follows:

§ 1450.6 *Restrictions on 1943 Crop Fire-Cured and Dark Air-Cured Tobacco*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "Type 21" means tobacco of type 21, often called Virginia Fire-Cured, as defined in the Official Standard Grades for Fire-Cured Tobacco (7 CFR, 1939 Supp., 29.107), promulgated by the Secretary of Agriculture on November 29, 1939, pursuant to the Tobacco Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(2) The term "Type 22" means tobacco of type 22, often called Eastern Fire-Cured, as defined in the Official Standard Grades for Fire-Cured Tobacco (7 CFR, 1939 Supp., 29.107), promulgated by the Secretary of Agriculture on November 29, 1939, pursuant to the Tobacco Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(3) The term "Type 23" means tobacco of type 23, often called Western Fire-Cured Tobacco, as defined in the Official Standard Grades for Fire-Cured Tobacco (7 CFR, 1940 Supp., 29.107), promulgated by the Secretary of Agriculture on November 29, 1939, pursuant to the Tobacco Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(4) The term "Type 35" means tobacco of type 35, often called One Sucker, as defined in the Official Standard Grades for Dark Air-Cured Tobacco (7 CFR, 1940 Supp., 29.257), promulgated by the Secretary of Agriculture on January 23, 1940, pursuant to the Tobacco Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(5) The term "Type 36" means tobacco of type 36, often called Green River, as defined in the Official Standard Grades for Dark Air-Cured Tobacco (7 CFR, 1940 Supp., 29.257), promulgated by the Secretary of Agriculture on January 23, 1940, pursuant to the Tobacco

Inspection Act (7 U.S.C. 1940 ed. 511 et seq.).

(6) The term "grade" means the respective grade of tobacco as defined in the Official Standard Grades for Fire-Cured Tobacco (7 CFR, 1939 Supp., 29.101-29.108), and the Official Standard Grades for Dark Air-Cured Tobacco (7 CFR, 1940 Supp., 29.251-29.258), promulgated by the Secretary of Agriculture on November 29, 1939, and January 23, 1940, respectively. The letter "V" used in connection with any such grade designation shall mean greenish tobacco as defined in said Official Standard Grades for Fire-Cured Tobacco and the Official Standard Grades for Dark Air-Cured Tobacco.

(7) The term "manufacturer of tobacco by-products" means any person who acquires and processes tobacco under Tobacco Diversion Program No. K/40a, established by the War Food Administrator on September 15, 1943, as amended, under the provisions of clause 2, section 32 of "An Act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935 (7 U.S.C. 1940 ed. 612c), as amended.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(9) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Restrictions*. (1) No persons other than the Federal Surplus Commodities Corporation, manufacturers of tobacco by-products, or authorized purchasing agents of manufacturers of tobacco by-products shall, after the effective time of this order, purchase at auction, accept delivery of, or otherwise acquire the following grades of the following types of 1943 crop tobacco:

(i) Type 21: Grades X5F, X5FV, X5D, X5M, X5G, and N.

(ii) Type 22: Grades B5F 46, 45, 44; B5FV 46, 45, 44; B5D 46, 45, 44; B5M 46, 45, 44; B5G 46, 45, 44; C5L 46, 45, 44; C5F 46, 45, 44; C5FV 46, 45, 44; C5D 46, 45, 44; C5M 46, 45, 44; C5G 46, 45, 44; T3F, T3D, T3M, T3G, T4F, T4D, T4M, T4G, T5F, T5D, T5M, T5G, X4G, X5L, X5F, X5FV, X5D, X5M, X5G, and N.

(iii) Type 23: Grades B5F 46, 45, 44; B5FV 46, 45, 44; B5D 46, 45, 44; B5M 46, 45, 44; B5G 46, 45, 44; C5L 46, 45, 44; C5F 46, 45, 44; C5FV 46, 45, 44; C5D 46, 45, 44; C5M 46, 45, 44; C5G 46, 45, 44; T3F, T3D, T3M, T3G, T4F, T4D, T4M, T4G, T5F, T5D, T5M, T5G, X4G, X5L, X5F, X5FV, X5D, X5M, X5G, and N.

(iv) Type 35: Grades B5F 46, 45, 44; B5FV 46, 45, 44; B5R 46, 45, 44; B5D 46, 45, 44; B5M 46, 45, 44; B5G 46, 45, 44; C5L 46, 45, 44; C5F 46, 45, 44; C5FV 46, 45, 44; C5R 46, 45, 44; C5M 46, 45, 44; C5G 46, 45, 44; T3F, T3R, T3D, T3M, T3G, T4F, T4R, T4D, T4M, T4G, T5F, T5R, T5D, T5M, T5G, X5R, X5D, X5M, X5G, and N.

(v) Type 36: Grades B5F 46, 45, 44; B5FV 46, 45, 44; B5R 46, 45, 44; B5D 46, 45, 44; B5M 46, 45, 44; B5G 46, 45, 44; C5L 46, 45, 44; C5F 46, 45, 44; C5FV 46, 45, 44; C5R 46, 45, 44; C5M 46, 45, 44; C5G 46, 45, 44; T3F, T3R, T3D, T3M, T3G, T4F, T4R, T4D, T4M, T4G, T5F, T5R, T5D, T5M, T5G, X4G, X5L, X5F, X5FV, X5R, X5D, X5M, X5G, and N.

(2) The restrictions of (b) (1) hereof shall not apply to transactions between a landlord and his tenant with respect to tobacco grown on the land which is subject to such landlord-tenant relationship.

(3) The restrictions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of 1943 crop Fire-Cured and Dark Air-Cured tobacco made prior to the effective time hereof.

(c) *Records*. Every person subject to this order shall, for at least two years, maintain an accurate record of his transactions in tobacco. (This record keeping requirement has been approved by the Bureau of the Budget, in accordance with the Reports Act of 1942.)

(d) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of tobacco of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., November 30, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14793; FDO 4, 8 F.R. 335, 11331)

Issued this 27th day of November 1943,

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-19066; Filed, November 27, 1943;
4:22 p. m.]

Chapter XII—War Food Administration
(Commodity Credit Orders)

[Order 7, Amdt. 1]

PART 1600—OILSEEDS

RESTRICTIONS ON PURCHASES AND USE OF
COTTONSEED

Correction

In F.R. Doc. 43-18678 appearing on page 15813 of the issue for Tuesday, No-

vember 23, 1943, the last line of § 1600.7 (f) should read "resale as feed or fertilizer."

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, MEDICAL ADMINISTRATIVE AND PHARMACY CORPS, REGULAR ARMY

Sections 73.1 to 73.5 are amended as follows: The regulations in these sections are also contained in Army Regulations No. 605-20, 19 August 1942, as amended by C 2, 6 November 1943, the particular paragraphs being shown in brackets at end of sections.

AUTHORITY: §§ 73.1 to 73.5 issued under sec. 4, 35 Stat. 67; 10 U.S.C. 93; 24, 41 Stat. 774, 53 Stat. 557; 10 U.S.C. 92, 122, 123; 40 Stat. 397, 10 U.S.C. 125; sec. 4, 49 Stat. 506, 10 U.S.C. 522b; 49 Stat. 1902, 10 U.S.C. 151 and Public Law 130, 78th Congress.

In § 73.1 paragraphs (a) and (g) are amended as follows:

§ 73.1 *General procedure.* (a) Appointees to fill vacancies occurring in the Medical, Dental, Veterinary, Medical Administrative or Pharmacy Corps will be selected for each corps by competitive examination: *Provided*, That medical and dental interns who have completed a year's internship in an Army hospital, and who are found qualified by the prescribed board and recommended for commission by the commanding officer of the hospital, and who are otherwise qualified, may be appointed without competitive examinations upon the recommendation of The Surgeon General with the approval of the Secretary of War.

(g) Thereafter the qualified Reserve officers and those candidates for the Medical Administrative and Pharmacy Corps found qualified by the Central Medical Department Board will, after recommendation by The Surgeon General and approval by the Secretary of War, if continuing eligible, be appointed in the appropriate corps of the Medical Department of the Regular Army in the lowest grade therein as vacancies in such corps become available. [Par. 2]

In § 73.2 paragraphs (a), (b) and (b) (5) are amended as follows:

§ 73.2 *Eligibility*—(a) *For appointment.* To be eligible for appointment the applicant must be a male citizen of the United States who fulfills the requirements specified in section 24e, added to act of June 3, 1916, by section 24, act of June 4, 1920 (41 Stat. 774; 10 U.S.C. 92, 93, 122), and section 7, act of April 3, 1939 (53 Stat. 557; 10 U.S.C. 92, 122, 123, 141, 151 and Public Law 130, 78th Congress) for the corps concerned, and who has been examined and found qualified

as prescribed in § 73.4, or who has qualified for an appointment through the completion of an internship as outlined in § 73.1.

(b) *For examination.* To be eligible to take the examination for appointment, the applicant must be a male citizen of the United States whose age at the time of examination is between the ages of 22½ and 31½ years for a Medical, Dental, or Veterinary Corps applicant, and between the ages of 20½ and 31½ for a Medical Administrative Corps or Pharmacy Corps applicant. A candidate for commission in the Medical Department who fails a first examination will not be permitted to take more than one subsequent examination. Permission to take the second examination may be denied by The Surgeon General if he considers the candidate unsuited either by reason of inadaptability for the military service or because of the results of the professional portion of the first examination.

Additional requirements for the separate corps are as follows:

(5) *Pharmacy Corps.* The applicant must be a graduate of a 4-year course of instruction at an acceptable school or college of pharmacy legally authorized to confer the degree of bachelor of science in pharmacy or its equivalent. [Pars. 4 and 5]

In section 73.3 paragraph (a) (5) is added as follows:

§ 73.3 *Applications*—(a) *Form.* * * *

(5) *Pharmacy Corps.* The name of the school or schools of pharmacy attended, date of graduation, post-graduate work completed, and time spent in the practice of pharmacy. [Par. 6]

In § 73.4 paragraphs (e) and (f) are amended as follows:

§ 73.4 *Examination and selection.* * * *

(e) *Professional examination.* The questions for all written examinations will be prepared by the Central Medical Department Board (par. (f) of this section) and submitted to The Surgeon General. The approved questions and pertinent letters of instruction will be sent by The Surgeon General direct to the examining boards. The answers in all written examinations will be authenticated by the signature of the candidate upon each sheet submitted. In the case of candidates for the Dental Corps, the board will rate the candidates' answers in the oral examination and their work in the clinical (practical) examination. The character and scope of the professional examinations for the respective corps will be as follows:

(5) *Pharmacy Corps.* The examination will be written and cover the following subjects: Practice of pharmacy; pharmaceutical chemistry; pharmacology; pharmacognosy; bacteriology, hygiene, and sanitation.

(f) *Action by the Central Medical Department Board*—(1) *General.* The

complete report of the examining board, in the case of each candidate, with all pertinent War Department records, will be referred by The Surgeon General to the Central Medical Department Board for consideration. This board will consist of not less than three medical, two dental, two veterinary officers, and one medical administrative or pharmacy corps officer of the Regular Army. The members from the Dental Corps, the Veterinary Corps, the Medical Administrative Corps and Pharmacy Corps will participate in the proceedings only when candidates for their respective corps are being considered by the board. The Central Medical Department Board will mark the candidate's answers in the written examination, will determine his aptitude for the service, and will report upon his qualification for appointment. Proficiency in English grammar, orthography, and composition will be determined from the candidate's examination papers. A final report and recommendation on the Report of the Preliminary Examining Board and of the Central Medical Department Board will be submitted to The Surgeon General for each candidate, in addition to the lists of candidates specified in subparagraph (3) of this paragraph. [Pars. 14 and 16]

In § 73.5 paragraph (a) is amended as follows:

§ 73.5 *Appointment.* (a) The findings of the Central Medical Department Board, with the recommendations of The Surgeon General thereon, will be transmitted to The Adjutant General for the approval of the Secretary of War. Candidates requiring commission in the Officers' Reserve Corps as a preliminary to their appointment in the Regular Army will be recommended therefor as prescribed in § 73.1 (f). After approval by the Secretary of War, appointments in the several corps of the Medical Department, Regular Army, in the initial grades specified in the acts of Congress cited in § 73.2 (a), will be tendered to approved candidates as vacancies become available. Selected candidates may be ordered to active duty as Reserve officers. [Par. 17]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-19067; Filed, November 29, 1943; 9:31 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

[Procurement Regs. 3, 15]

CONTRACTS AND TERMINATION OF CONTRACTS

The following amendments and additions to the regulations contained in Parts 81 and 83 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (7 F.R. 8082), as amended by Change 28, 23

November 1943,¹ the particular regulations amended being Nos. 3 and 15.

In section numbers the figures to the right of the decimal point correspond with respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.

[Procurement Reg. 3]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

CONTRACTS

Section 81.328 is amended as follows:

§ 81.328 *Notice of shipments.* All contracts involving shipments of the types enumerated below, except contracts for the furnishing of supplies in connection with which a Government inspector or other Government official at the plant or warehouse of the contractor is charged with the duty of issuing notices of shipment, will contain a clause substantially as follows:

Notice of shipments. At the time of delivery of any of the following types of shipments to a carrier for rail, motor or water commercial transport, the contractor shall give notice to the consignee establishment including date, route, size and brief general description of the supplies being shipped: (a) shipments of one carload or more consigned to ports of embarkation, depots, arsenals and arsenal plants; (b) shipments of ammunition or gasoline of one carload or more, and shipments of ten carloads or more regardless of the character of the supplies, consigned to any War Department installation or unit of the Army. In the case of shipment to port of embarkation, the notice shall be by prepaid telegraph or teletype; if such shipment is "classified," all classified information shall be omitted and such general terminology substituted therefor as is permissible under security regulations. In respect to the other types of shipments, prepaid telegraph or teletype notice shall be used, except that (1) the contracting officer may permit mail or airmail notice (which may consist of bills of lading, or shipping tickets, or copies of War Department shipping documents) to be substituted if such notice will normally arrive 24 hours prior to arrival of shipment; (2) if the shipment is "classified," registered mail or registered airmail notice addressed personally to the commanding officer of the consignee establishment and transmitted in double envelopes, or such other method of notice as the contracting officer may specify, shall be used exclusively. A shipment is "classified" within the meaning of this Article if the contracting officer so indicates, or if it is made under a contract marked secret, confidential, or restricted.

[Procurement Reg. 15]

PART 88—TERMINATION OF CONTRACTS

TERMINATION OF CONTRACTS AND CUT-BACKS IN PRODUCTION

Section 88.15-326 is added as follows:

§ 88.15-326 *Notification to War Production Board required in connection with termination of contracts and cut-*

backs in production. When production in a particular facility for the War Department is to be decreased by termination by twenty-five percent or more from production schedules previously contracted for, the procedure set forth in paragraphs (a) and (b) of this section will be carried out. This procedure is designed to insure, so far as possible, continuous employment of facilities. The procedure will be applicable when final decision has been made to decrease production in a given facility.

(a) *Responsibility of technical service.* The technical service involved will give notice to the decrease to (1) the Operations Vice-Chairman, War Production Board, Washington, D. C., and (2) the Regional Director of the War Production Board in whose region the plant is located. If the office making the notification has knowledge of subcontractors and suppliers who will be substantially affected, notification concerning the projected decrease in their production should also be transmitted (1) to the Washington office of the War Production Board referred to above and (2) to the appropriate War Production Board Regional Offices. The chief of each technical service will give instructions as to the official or agency to be responsible for giving all such notices.

(b) *Responsibility of management.* The management of the affected facility is responsible for the following action:

(1) Requesting their subcontractors and suppliers (i) to notify the Operations Vice-Chairman and the Regional Director of the War Production Board if the termination of their contracts will decrease their production by twenty-five percent or more, and (ii) in turn, to request their own subcontractors and suppliers to give similar notices.

(2) Cooperating with the War Production Board in determining the use to which the released facilities are to be devoted. Management should also give the War Production Board the names of such of its subcontractors and suppliers as, it is believed, will be substantially affected.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-19039; Filed, November 27, 1943; 10:38 a. m.]

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation 7]

PART 102—CONTROL OF LIGHTING WITHIN RESTRICTED ZONES¹

SUSPENSION OF DIM-OUT REGULATIONS IN CERTAIN ALASKAN AREAS

NOVEMBER 1, 1943.

Headquarters, Alaskan Department, Office of the Commanding General, APO 942, c/o Postmaster, Seattle, Wash.

The provisions of Public Proclamation Number 6, Headquarters Alaska Defense Command, issued on January 5, 1943,

¹ Affects § 102.3.

which prescribed dim-out regulations applicable to certain areas described therein in the Territory of Alaska are hereby suspended, but will immediately become operative throughout all or any part of the areas defined by said Public Proclamation Number 6, upon notice to such effect by the Commanding General, the Alaskan Department, by radio announcement or through appropriate military or civilian defense channels.

Persons affected by the provisions of said Public Proclamation Number 6, Headquarters, Alaska Defense Command, will be responsible for the maintaining of such communications by radio or otherwise with appropriate military or civilian officials and radio stations in their vicinity as are available to them and will immediately comply with the provisions of the afore-mentioned Proclamation in the event that suspension thereof is vacated as to the whole area or in any part thereof.

SIMON BOLIVAR BUCKNER, Jr.,
Lieutenant General, U. S. Army,
Commanding.

[F. R. Doc. 43-19075; Filed, November 29, 1943; 9:35 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 61-14]

PART 61—SCHEDULED AIR CARRIER RULES¹

EMERGENCY EXITS OF AIRCRAFT CARRYING PASSENGERS

Changing effective date of § 61.797 marking emergency exits of aircraft carrying passengers.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of November 1943.

Effective November 22, 1943, the effective date of § 61.797, Amendment 61-13, adopted October 22, 1943, is changed from December 1, 1943, to January 1, 1944.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-19116; Filed, November 29, 1943; 11:26 a. m.]

[Regulations, Serial No. 292]

OPERATIONS OF EASTERN AIR LINES AT SPARTANBURG, S. C.

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to the operations of Eastern Air Lines at Memorial Airport, Spartanburg, South Carolina.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of November 1943.

The following Special Civil Air Regulation is made and promulgated to become effective December 1, 1943:

¹ Part 61 last printed October 15, 1942.

¹ For previous changes see 7 F.R. 9268, 9660, 10184, 10247, 10640, 10906; 8 F.R. 401, 411, 2531, 3339, 3486, 3752, 5311, 5210, 6576, 7526, 8629, 8918, 9908, 11609, 12043, 13083, 13791, 14512 and 16009.

Notwithstanding § 40.2611 (b) of the Civil Air Regulations any first pilot listed in the Eastern Air Lines air carrier operating certificate on November 1, 1943, who is qualified as competent to operate an aircraft in scheduled transportation between Richmond, Virginia, and Atlanta, Georgia, on November 1, 1943, may pilot aircraft in scheduled transportation for said carrier into and out of Memorial Airport, Spartanburg, South Carolina, upon furnishing evidence satisfactory to the Administrator showing that the pilot is thoroughly familiar with the form and conditions of the airport and with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-19117; Filed, November 29, 1943;
11:26 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 107]

PART 54—FILING OF RATE SCHEDULES

INDUSTRIAL RATE CONTRACTS

NOVEMBER 23, 1943.

Amending the "Provisional Rules of Practice and Regulations Under the Natural Gas Act, with approved forms, effective July 11, 1938".

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly sections 8 (b) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the following amendment to the "Provisional Rules of Practice and Regulations Under the Natural Gas Act, Effective July 11, 1938" as heretofore prescribed and amended:

Part 54, § 54.30 *Natural gas companies to furnish the Commission with copies of industrial rate contracts* be and it is hereby amended to read as follows:

Industrial Rate Contracts

§ 54.30 *Natural-gas companies to furnish the Commission with copies of industrial rate contracts.* Every natural-gas company shall currently furnish to the Commission two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for the direct sale of natural gas to industrial consumers for consumption where such contract involves the sale of 100,000 M. c. f. per year or more, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, services, rules and regulations relative to such sale: *Provided, however,* That when such a presently filed contract is renewed or extended on identical terms except as to the period during which it is to be in effect, the natural-gas company may notify the Commission of such renewal

or extension by letter, in duplicate, stating the date of the renewal or extension agreement and the period during which it is to be in effect, instead of furnishing to the Commission two copies of such renewal or extension agreement.

Every natural-gas company having industrial rate contracts presently on file with the Commission under § 54.30 as in force prior to the amendment made by this order, shall, within 60 days of the effective date of this order, file with the Commission by letter, in duplicate, a list of all such industrial contracts presently on file involving the sale of 100,000 M. c. f. per year or more which are to be kept current after the effective date of this order.

The amendment to the "Provisional Rules of Practice and Regulations Under the Natural Gas Act" adopted, promulgated, and prescribed by this order shall become effective 15 days from the date of this order and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-19074; Filed, November 29, 1943;
9:30 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin 33]

PART 202—INCORPORATION, CONVERSION, AND ORGANIZATION

ADDITIONAL LENDING POWERS

NOVEMBER 27, 1943.

Paragraph (d) of § 202.9¹ of the rules and regulations for the Federal Savings and Loan System is hereby amended, effective November 27, 1943, by adding the following new subparagraph at the end thereof:

(3) Amendment inserting the following section 14.1 between sections 14 and 15 of Charter K:

Sec. 14.1 *Additional lending powers.* All loans shall be made in accordance with sections 13 and 14 of this charter unless the Federal Home Loan Bank Administration, upon application from the association for such approval, approves another loan plan, practice or procedure or permits a higher percentage of the appraised value of the security to be loaned. Such authority shall be in addition to, and not in abrogation of, any existing authority or procedure provided in this charter.

(Sec. 5 (a), (c), 48 Stat. 132, sec. 18, 49 Stat. 297; 12 U. S. C. 1464 (a), (c) and Sup.; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a minor and procedural character within the meaning of § 201.2 of the Rules and

¹ 7 F.R. 2267, 8 F.R. 11334.

Regulations for the Federal Savings and Loan System.

[SEAL]

JAMES TWOHY,
Governor.
HAROLD LEE,
General Counsel.
JOHN M. HAGER,
Executive Assistant
to the Commissioner.

[F. R. Doc. 43-19050; Filed, November 27, 1943;
1:33 p. m.]

Chapter IV—Home Owners' Loan Corporation

[Bulletin 240]

PART 402—LOAN SERVICE DIVISION

MORTGAGE CLAUSE AND CORPORATION INSURANCE

The fifth paragraph of § 402.25-1² shall be revoked and the following three paragraphs adopted in lieu thereof:

§ 402.25-1 *Mortgage clause.* * * * The New York, New Jersey or Pennsylvania standard mortgage clause (without contribution) or HOLC Form 12, Insurance Mortgage Clause, shall be attached to all policies securing mortgages or other security instruments where such forms are permissible. If a mortgage clause has been approved and its use made mandatory by the laws of any state, such form shall be used in that state. In those jurisdictions where under local laws or conditions neither of the forms above referred to may be used, then that form of mortgage clause or loss payable clause used shall be acceptable to the Regional Manager with advice of the Regional Counsel.

If demand is made of the Corporation for any premium other than that covering increased hazard under a policy to which a standard mortgage clause (without contribution) has been attached, which the mortgagor or owner has neglected to pay, the Corporation shall surrender the policy. In those cases, orders for insurance sufficient to protect the Corporation's interest shall be placed as provided in § 402.25-8.

Contract of sale endorsement. In all cases where a property is sold under contract of sale, HOLC Form 12-A shall be attached to all policies covering the affected property. If the agent or insurance company refuses to execute said Form 12-A, the policies will not be acceptable.

The first sentence of § 402.25-8³ shall be amended to read as follows:

§ 402.25-8 *Insurance placed by corporation.* All insurance contracts protecting the loan or property shall be reviewed, immediately upon a cancellation, demand for payment of premium due to the insured's failure to make such payment, notification of lapse or voidance of any insurance policies, and forty days after the expiration date in the instance of all home owners who have not submitted acceptable renewal insurance ade-

² 8 F.R. 4860.

quate as to kind and sufficient in amount to meet the Corporation's requirements.

Effective November 26, 1943.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. (1529))

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 43-19049; Filed, November 27, 1943;
1:32 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 7, as Amended Nov. 27, 1943]

CERTIFICATIONS ON PURCHASE ORDERS AND OTHER DOCUMENTS

§ 944.27 Priorities Regulation No. 7—

(a) *What this regulation does.* This regulation explains the use of certifications on purchase orders and delivery orders. It permits use of a standard form of certification instead of most of the different forms required by various regulations and orders of the War Production Board. This standard certification first appeared in CMP Regulation 7 and has previously been permitted for most purposes in operations under the Controlled Materials Plan. This regulation permits its use under other orders and regulations as well.

Standard Certification

(b) *When standard certification may be used.* The standard certification which is described below may be used instead of any certification (sometimes called a "certificate," an "endorsement," or a "statement") which is required to be placed on, or to accompany, a purchase or delivery order under any regulation or order of the War Production Board, except in the following cases:

(1) It cannot be used instead of any of the certifications listed in List A at the end of this regulation.

(2) It cannot be used instead of a certification required by a WPB regulation or order which expressly states that the standard form cannot be used.

(3) It cannot be used instead of any WPB or PD forms required by any WPB regulation or order to accompany the purchase order. Two examples of this exception are the WPB forms required by Order M-293 and Form WPB-2524 (formerly PD-833) required by Order L-5-d.

(4) It cannot be used by government procurement officers to rate deliveries for which a rating has not already been assigned by a separate preference rating

certificate or an order or regulation of the War Production Board.

(c) *Use is optional.* The use of the standard certification is optional unless an order or regulation states that it is the only one that can be used. Anyone who wishes to may use the more specific certifications provided by the various orders and regulations, such as the one given in Priorities Regulation 3 for use in applying or extending preference ratings.

(d) *Form of standard certification.* The standard certification must be in substantially the following form:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

(e) *Additional information with standard certification.* When the standard certification is used, additional information must be given in the following four cases only, and this information may be put either at the end of the standard certification or anywhere else on the order, or accompanying it:

(1) A preference rating, allotment number or symbol must be added where required by the applicable order or regulation. This is already the practice with the use of the CMP Regulation 7 certification.

(2) Where the applicable regulation or order requires information as to the specific immediate or end use for which the items are ordered, this information must be added. However, where the applicable order requires only a general statement as to an authorized use, such as "to be used for a purpose so approved" (as in order P-47), no information need be added.

(3) Where the applicable order calls for a statement to show that a "small order exemption" under any one of the "L" or "M" orders is applicable, the words "in compliance with a small order exemption" shall be added.

(4) Where the preference rating to be applied or extended was obtained on a WPB-547 (PD-1X) certificate, the identification "WPB-547" or "PD-1X" must be added.

Waiving Certifications

(f) *Waiver of buyer's certification.* If a seller receives an order without the standard certification or the certification required by the governing WPB regulation or order, he may accept the purchase order and treat it as bearing the proper certification if he complies with the following rules:

(1) The seller must know the facts which the certification would show and must place the necessary certification on the order and sign it himself. He may not merely insert the certification over the buyer's signature. In adding the certification, the seller shall be deemed to make the representation to the War

Production Board. The individual who signs for the seller must be a responsible official of the seller, duly authorized to make binding representations in this respect on the seller's behalf.

(2) The seller may use either the standard certification where permitted by this regulation or the certification required by the governing regulation or order. If he uses the standard, he must change the words "undersigned purchaser" to "undersigned seller", cross out the words "the seller and" and change the words "the undersigned is authorized" to "the buyer is authorized". If he uses the form required by the governing order or regulation, he must make corresponding changes in wording.

(3) A certification may not be waived if (i) it is listed on List B at the end of this regulation, or (ii) the governing order or regulation expressly states that it may not be waived.

(4) Where the purchase order when received by the seller is not accompanied by the CMP allotment number or symbol, he must get a written statement from the buyer signed by a responsible person giving this information before he adds it to the purchase order with the appropriate certification.

One-Time Certification

(g) *When one-time certification may be used.* Some WPB orders require a certification only for the purpose of making sure that the buyer knows of the restrictions in the order. In these cases, the certifications may be omitted entirely without substituting the standard certification, if the buyer has previously given the seller a certification in substantially the form described below. This one-time certification may be used only (1) instead of the certifications in the Orders listed in List C at the end of the regulation or (2) where the governing order expressly states that it may be used.

(h) *Form of one-time certification.* The one-time certification must be substantially as follows:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order — of the War Production Board, and that all purchases from you of items regulated by that order, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

(i) *Example.* Under Order M-99 no one may acquire any printing plates unless the purchase order bears a certification specified in the order to the effect that the purchaser is familiar with it and will comply with it. Since this order is listed on Schedule C, a purchaser of printing plates may omit this certification on any purchase orders placed with a supplier to whom he has previously furnished the one-time certification shown above.

Signature of Certification

(j) *Who must sign and how.* Certifications on purchase or delivery orders which are required by WPB orders or regulations must be signed by the person placing the order (or the person receiving it under paragraph (f) above) or by a re-

sponsible individual who is duly authorized to sign for that person. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(k) *Use of facsimile signature.* If a facsimile signature is used, the individual who uses it must be duly authorized by the individual whose signature it is, to use it on representations to the War Production Board, and a written record of the authorization must be kept.

(l) *Only one signature necessary in most cases.* If several certifications are placed above the signature of the purchase order, they need not be separately signed provided the purchase order is signed in the way required for a certification by paragraph (j) above. If any certifications are placed below the signature of the purchase order, or on the back of it, the last certification must be separately signed, unless there is a statement above the signature of the purchase order which shows clearly that it applies to the certification.

(m) *Certification may be on separate paper.* If it is not convenient to place a certification on a purchase order or delivery order, it may be placed on a separate piece of paper either attached to it or clearly identifying it. For example, if the buyer has sent an order but has forgotten to place the certification on it, he may send the seller a separate certification clearly identifying the order to which it applies. A signature on the purchase order shall apply to the certification on an attached or unattached piece of paper only where the words above the signature clearly make it include the certification.

(n) *Signature on other documents.* The above rules for signing certifications on purchase orders also apply to the signature on reports, applications for preference ratings or allotments, and other documents that are required to be filed under orders and regulations of the War Production Board.

Telegraph, Telephone and Verbal Orders

(o) *Telegraphic orders.* When a purchase order is placed by telegram and a certification is necessary the certification must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation. Also, the certification contained in the telegram may be abbreviated in the following cases, but the purchaser assumes the same responsibility as if it were set out in full:

(1) When the standard certification is used, it may be shortened to the words "order certified under Priorities Regulation 7."

(2) When the certification is used for the sole purpose of applying or extending a preference rating with or without an allotment number or symbol, the words "ratings certified" or words to that effect are enough. Where there is an allotment number or symbol, this must be added to the telegram.

(3) Where the certification is used for the sole purpose of showing that the or-

der comes under a small order exemption allowed by one of the "L" or "M" or "P" orders, it may be shortened to "small order certified."

(4) Where the certification required simply states the number of the WPB authorization form, the identification of the form and its number only need be given.

(p) *Verbal or telephone orders.* On purchase orders requiring shipment within seven days the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification. In addition, if the order is an authorized controlled material order under CMP regulations, it must be confirmed in writing within 15 days by a written order bearing the appropriate certification.

Miscellaneous Provisions

(q) *Responsibility for truth of certification.* The person who places the order, the individual whose signature is used and the individual who approves the use of the signature will each be considered to be making a representation to the War Production Board that the statements contained in the certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation. The person receiving certification and other information required to be included with the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(r) *Reference to criminal penalties.* The reference to criminal penalties for misrepresentation in the above forms of

certification and similar phrases in certifications required by other orders and regulations are included solely for the purpose of making sure that persons signing certifications realize the responsibility they are undertaking. These references may not be omitted, but their inclusion shall not be deemed to make any person subject to any criminal penalties to which he would not be subject if the references were omitted.

(s) *Records to be kept by the purchaser.* Each person using the standard certification above or any other certification must maintain at his regular place of business all documents upon which he relies as entitling him to make the representations in the particular certification used and to supply the other information required to be placed with his purchase order. These documents must be segregated and available for inspection by a representative of the War Production Board or filed in such manner that they can be readily segregated and made available for inspection.

(t) *Effect on other regulations and orders.* Provisions in any other orders or regulations of the War Production Board which are inconsistent with this regulation may be disregarded unless they expressly state that this regulation does not apply.

Issued this 27th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—CERTIFICATIONS FOR WHICH STANDARD CERTIFICATION MAY NOT BE SUBSTITUTED

The certifications below contain types of information for which the standard form is not an adequate substitute. They cover rather isolated types of purchases. But the fact that the certifications appear on List A does not prohibit their waiver by the seller as provided by paragraph (f) of the regulation.

The standard certification may not be used instead of the following certifications:

| Regulations or orders | Subject | Paragraph |
|---------------------------|-----------------------------|---------------------------------|
| Priorities Reg. 9 | (Exports) | (b) (2). |
| Priorities Reg. 10 | (Farm Supplies) | (b) & (d) (2) & (d) (3). |
| Priorities Reg. 22 | (Canadian) | (b). |
| CMP Reg. 1 | (Controlled Materials Plan) | (t) (5). |
| CMP Reg. 1 (Direction 23) | (Controlled Materials Plan) | (e). |
| CMP Reg. 5 (Direction 9) | (Controlled Materials Plan) | (b). |
| CMP Reg. 5 (Direction 11) | (Controlled Materials Plan) | (c). |
| E-1-b | Machine tools | (g). |
| E-10 | Anti-friction bearings | (i) (2) & (i) (3). |
| L-5-d | Refrigerators | (c) (1). |
| L-23-b | Cooking appliances | (c) (2) (i) & (ii) & (d) (3). |
| L-28 | Lamps | (a) (7) (ii). |
| L-28-a | Lamps | (b) (4) (i) (b). |
| L-48 | Light aircraft | (b) (2) (v). |
| L-53-b | Tractors | (c) (1) (b). |
| L-61 | Tire repair equipment | (d). |
| L-64 | Caskets | (c) (3) & (f) (2). |
| L-143-a | Rubber processing equipment | (e). |
| L-144 | Laboratory equipment | (d) (2). |
| L-158 | Automobile parts | (i) & (j). |
| L-175 | Railroad watches | (b) (2). |
| L-180 | Automotive equipment | (h) (1) & (h) (3) & (h) (4). |
| L-190 | Scales, balances, weights | (c) (1) & (c) (2). |
| L-192 | Construction machinery | (j) (1). |
| L-211 | Structural steel shapes | (e) (3). |
| L-232 | Wooden containers | (d) (2) (i) Sched. A, Table II. |
| L-279 | Paper sacks | (d) (1) & (d) (2) Sched. II. |
| L-286 | Ammunition | (c) Nos. (1) (2) (3) (4). |
| L-290 | Western lumber | (b) (1) & (b) (2). |
| M-18-b | Chromium chemicals | (c) (1). |
| M-21-b-1 | Steel warehouses & dealers | (d) & (g). |
| M-21-b-2 | Merchant trade products | (e) & (h) (2). |
| M-54 | Molasses | (c) (2). |
| M-81 | Cans | (b) (1). |
| M-104 | Containers | (b) (1). |
| M-115 | Collapsible tubes | (e) (1) & (e) (2). |
| M-148 | Exports | (c). |
| M-328 | Textile, clothing, leather | (b) (1). |
| R-1 | Rubber | 4600. 15-16-17-28-34. |

LIST B—CERTIFICATIONS WHICH MAY NOT BE WAIVED

The procedure for waiving certifications where the seller knows the facts which would be certified, as explained in paragraph (f) of Priorities Regulation No. 7, may not be used in the case of the following certifications:

| Order | Subject | Paragraph |
|-------|----------------------------|------------------------------|
| L-5-d | Refrigerators | (e) (2) (iii) (b) & (b) (3). |
| L-58 | Sextants | (e) (2). |
| L-175 | Railroad watches | (b) (2) & (b) (3). |
| L-232 | Wooden containers | (d) (2) (ii). |
| L-250 | Western lumber | (b) (1) & (b) (2). |
| M-81 | Cans | (b) (1). |
| M-104 | Containers | (b) (1). |
| M-115 | Collapsible tubes | (e) (1) & (e) (2). |
| M-328 | Textile, clothing, leather | (b) (1). |

LIST C—CERTIFICATIONS INSTEAD OF WHICH ONE-TIME CERTIFICATION MAY BE USED

Following are the certifications which may be omitted in purchase orders if the one-time certification described in paragraph (g) of the regulation has been furnished by the buyer:

| Order | Subject | Paragraph |
|--------|--------------------------------------|--------------------|
| E-5-a | Gages | (b) (1). |
| L-86 | Liquefied petroleum gas equipment | (e). |
| L-144 | Laboratory equipment | (d) (2). |
| L-158 | Auto parts | (j). |
| L-160 | Auto equipment | (b) (1). |
| L-182 | Cooking equipment | (e) (3). |
| L-190 | Scales, balances, weights | (e) (1) & (e) (2). |
| L-192 | Construction machinery and equipment | (j) (1) (i). |
| L-193 | General industrial equipment | (d) (3). |
| L-218 | Lumber | (b) (1). |
| L-268 | Dishwashers | (e) (3). |
| L-265 | Electronic equipment | (b) (3) (iii). |
| M-21-g | Iron and steel | (d) (2). |
| M-81 | Cans | (b) (1). |
| M-90 | Printing and publishing | (e) (2). |
| M-103 | Dyestuffs | (f) (6). |
| M-115 | Collapsible tubes | (e) (1) & (e) (2). |
| M-146 | Quartz crystals | (e) (2). |
| M-272 | Imported cotton yarns | (h). |
| P-126 | General industrial equipment | (b) (1). |

[F. R. Doc. 43-19040; Filed, November 27, 1943; 10:59 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-346, Amdt. 1]

MASON SUPPLY COMPANY

Mrs. Grace S. Mason, doing business as Mason Supply Company, has appealed from the provisions of Suspension Order S-346, which became effective June 15, 1943. On July 2, 1943, the suspension order was stayed pending determination of the appeal.

The case has been reviewed by the Deputy Chief Compliance Commissioner who has found Mrs. Mason was aware of the orders of the War Production Board but disregarded them, and that the suspension order should be reinstated for the balance of the original period of ninety days.

It is therefore directed that the stay be and is terminated and that paragraphs (a) (b) and (d) are hereby amended so as to provide that the suspension order shall terminate on January 31, 1944.

Issued this 27th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19041; Filed, November 27, 1943; 10:59 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Limitation Order L-211, Schedule 13 as Amended Nov. 27, 1943]

STEEL PIPE

§ 3102.14 *Schedule 13 to Limitation Order L-211—(a) Purpose and scope.* This schedule prescribes certain standards for the manufacture of steel pipe as herein defined. Steel pipe made in accordance with this schedule may be used for any purpose, subject to any restrictions contained in other War Production Board orders.

(b) *Definitions.* For the purpose of this schedule:

(1) "Steel pipe" means carbon steel, alloy steel (chromium content less than 10 percent), open-hearth iron and wrought iron pipe, customarily used only as an integral part of any pressure or vacuum piping system for the purpose of conveying any material. However, the term does not include oil country tubular goods, water well tubular products, steel pressure pipe, and steel pressure tubes,

which are defined and covered by Limitation Order L-211, Schedules 9, 10, 11, and 12, respectively, nor does it include corrugated pipe, dredge pipe, and forge welded pipe.

(2) "Government order" means an order placed:

(i) By the Government of the United States or any department or agency thereof, or

(ii) By any other person covering material to be physically incorporated into material to be delivered to such government department or agency, or

(iii) By a warehouse which has been designated by such government department or agency as a source of supply for government orders, for delivery to a stock maintained for that purpose.

(c) *Restrictions on government orders.* Tables I and II set forth the list of permissible diameters, wall thicknesses and specifications for government orders. On such orders:

(1) *Diameter.* No person shall produce or deliver any steel pipe with a diameter 48" or less, except in one of the diameters listed in Table I or Table II. For example, pipe of 34" diameter may not be produced, as that diameter is less than 48", and is not listed in either table.

(2) *Wall thickness.* No person shall produce or deliver steel pipe of any diameter 48" or less with a wall thickness other than one of those listed in Table I or Table II for that diameter. For example, 10 3/4" pipe may be produced only in one of the wall thicknesses shown in items 138-155 of Table I or 58-62 of Table II.

(3) *Specifications.* No person shall produce or deliver steel pipe in any diameter and wall thickness set forth in Table I or Table II, except to one of the specifications shown opposite that diameter and wall thickness in such table. Pipe over 48" in diameter may be produced to any specification.

(d) *Restrictions on other orders.* Table I sets forth the list of permissible diameters, wall thicknesses and specifications for orders other than government orders. On such orders:

(1) *Diameter.* No person shall produce or deliver any steel pipe with a diameter 48" or less, except in one of the diameters listed in Table I.

(2) *Wall thickness.* No person shall produce or deliver steel pipe of any diameter 48" or less with a wall thickness other than one of those listed in

Table I for that diameter. For example, 10 3/4" pipe may be produced only in one of the wall thicknesses shown in items 138-155 of Table I.

(3) *Specifications.* No person shall produce or deliver steel pipe in any diameter and wall thickness set forth in Table I except to one of the specifications shown opposite that diameter and wall thickness in such table. Pipe over 48" in diameter may be produced to any specification.

NOTE: 1. Ammonia pipe (ice machine or refrigeration pipe), dry kiln pipe, pipe for plating and enameling, or other steel pipe, ordered without reference to any specification, may be produced to any specification permitted by this paragraph (d)(3) for the particular diameter and wall thickness, or in conformity with the applicable standard requirements (including diameters and wall thicknesses) of the American Iron and Steel Institute Steel Products Manual, section 18, revised September 1942.

2. Steel pipe for use on vessels subject to inspection by the Merchant Marine Inspection Division of the U. S. Coast Guard may also be produced to any of the Coast Guard specifications set forth in Table II.

(e) *Acceptance of delivery.* No person shall accept delivery of steel pipe which he knows or has reason to believe was produced, fabricated, or delivered in violation of the provisions of paragraphs (c) or (d).

(f) *Exceptions.* The provisions of this schedule shall not prevent:

(1) Delivery or acceptance of steel pipe produced prior to August 30, 1943, or the production, delivery, or acceptance of steel pipe which before August 30, 1943, was processed in such manner and to such extent that processing to conform to such provisions would be impractical, or for which an order was entered prior to August 30, 1943, provided the pipe covered by such order is produced prior to December 31, 1943.

(2) Delivery or acceptance of steel pipe which because of errors in manufacture does not conform to the requirements of this schedule, provided such requirements are waived by the purchaser or procuring agency.

(3) Waiver by the purchaser or procuring agency of any of the inspection or test requirements of any specification.

(4) Substitution, in place of the test prescribed by any specification, of mill testing of steel pipe to a pressure that will produce a stress in the pipe material not to exceed 90 percent of the specified minimum yield point, provided such test procedure is acceptable to both the producer and the purchaser or procuring agency.

(5) Production, delivery or acceptance of steel pipe in other diameters or wall

thicknesses for use in the manufacture of steel pipe fittings, pipe couplings, boiler water walls, water screens, economizers, headers, or manifolds.

(6) Production, delivery, or acceptance of steel pipe not conforming to the requirements of paragraph (c) (3) when certified by the United States Army, or Navy to the producer, fabricator, or supplier and to the Steel Division, War Production Board, as being necessary to insure the military characteristics of the item for which the steel pipe is required. Such certification shall specify the contract involved and the justification for the exception.

(7) Production, delivery, or acceptance of steel pipe specifically permitted in writing by the War Production Board. In the case of alloy steel pipe, such permission may be granted with respect to chemical composition by the approval of a melting, production, or delivery schedule.

(g) *Records.* Each person owning or possessing steel pipe excepted by the provisions of paragraph (f) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board. In addition, each person accepting an order for steel pipe excepted by the provisions of paragraph (f) (6) shall furnish details of such order to the War Production Board within ten days after such acceptance. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 27th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST 1—PERMISSIBLE SPECIFICATIONS FOR GENERAL USE

AMERICAN SOCIETY FOR TESTING MATERIALS, STANDARD SPECIFICATIONS

ASTM-A120-42.—Black and Hot-Dipped Zinc-Coated (Galvanized) Welded and Seamless Steel Pipe for Ordinary Uses, as amended by Emergency Alternate Provisions EA-A120, adopted August 24, 1942.

ASTM-A53-42.—Welded and Seamless Steel Pipe.

ASTM-A139-42.—Electric-Fusion-Welded Steel Pipe (Sizes 4 inches to but not including 30 inches), as amended by Emergency Alternate Provisions EA-A139a, adopted April 8, 1943.

ASTM-A135-42.—Electric-Resistance-Welded Steel Pipe, as amended by Emergency Alternate Provision EA-A135, adopted August 24, 1942.

ASTM-A134-42.—Electric-Fusion-Welded Steel Pipe, as amended by Emergency Alternate Provisions EA-A134, adopted August 18, 1942.

ASTM-A211-40.—Spiral-Welded Steel or Iron Pipe, as amended by Emergency Alter-

nate Provisions EA-A211, adopted August 18, 1942.

ASTM-A72-39.—Welded Wrought Iron Pipe.

ASSOCIATION OF AMERICAN RAILROADS, MANUAL OF STANDARD AND RECOMMENDED PRACTICE

AAR-E-M-111-43.—Pipe, Furnace Welded, Electric-Resistance-Welded and Seamless Steel, adopted June 1, 1943.

AAR-M-306-38.—Welded Wrought Iron Pipe.

AMERICAN WATER WORKS ASSOCIATION, STANDARD SPECIFICATIONS

AWWA-7A.4-1941-TR.—Steel Water Pipe of Sizes up to but not including 30 inches, adopted March 1943 and as amended by Emergency Alternate Provisions, adopted June 19, 1943.

AWWA-7A.3-1940.—Electric-Fusion-Welded Steel Water Pipe of Sizes 30 inches and over, as amended by Emergency Alternate Provisions, adopted July 24, 1943.

AMERICAN PETROLEUM INSTITUTE, SPECIFICATIONS

API Std. No. 5-L, 8th Ed.—Line Pipe, as amended by Supplement No. 1 adopted November 1942.

UNDERWRITERS' LABORATORIES, INCORPORATED, STANDARD

U. L. Sp. I-888-38-43.—Steel Pipe Lines for Underground Water Service, as amended by Emergency Alternate Specifications, adopted May 22, 1943.

AMERICAN SOCIETY OF MECHANICAL ENGINEERS

BOILER CONSTRUCTION CODE, MATERIAL SPECIFICATIONS, EDITION 1940, AS AMENDED BY ADDENDA THERETO APPROVED SEPTEMBER 30, 1941, AND SEPTEMBER 16, 1942

ASME-S-18.—Welded and Seamless Steel Pipe.

ASME-S-19.—Welded Wrought-Iron Pipe.

ASME-S-58.—Electric-Resistance-Welded Steel Pipe.

LIST 2—PERMISSIBLE SPECIFICATIONS FOR GOVERNMENT USE ONLY

Federal Specification WW-P-403—Pipe; Steel and Ferrous-Alloy, Wrought-Iron Pipe Size.

Federal Specification WW-P-441—Pipe; Wrought-Iron, Welded, Black and Zinc-Coated.

Navy Department Specification 44P10—Pipe, Steel, Seamless and Welded, Black and Zinc-Coated (Galvanized).

Navy Department Specification 44P11—Pipe, Iron, Wrought.

Navy Department Bureau of Yards and Docks Tentative Specification 66P1—Power-Plant, Heating, and Ventilating Apparatus and Piping (Shore Use).

Coast Guard Specification MIN-51.11a—Welded and Seamless Steel Pipe.

Coast Guard Specification MIN-51.11b—Electric-Resistance-Welded Steel Pipe.

Coast Guard Specification MIN-51.12—Welded Wrought-Iron Pipe.

TABLE I—PIPE SIZES PERMISSIBLE FOR GENERAL USE (See footnote (a))
NOTE: Table amended Nov. 27, 1943

| Item | Nominal size (inches) Note (b) | O. D. size (inches) | Outside diameter (inches) | Wall thickness (inches) | ASTM-A72 Note (c) | AAR-M-306 Note (d) | AAR-M-111 | ASTM-A120 | ASTM-A53 Note (e) | API-5-L | AWWA-7A.4 Note (g) | ASTM-A135 Note (f) | ASTM-A139 | ASTM-A211 Note (g) | U. L. Sp. 1 888 | ASTM-A134 | AWWA-7A.3 Note (g) |
|------|--------------------------------|---------------------|---------------------------|-------------------------|-------------------|--------------------|-----------|-----------|-------------------|---------|--------------------|--------------------|-----------|--------------------|-----------------|-----------|--------------------|
| 1 | 1/8 S | | .405 | .068 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 2 | 1/8 XS | | .405 | .096 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 3 | 1/4 S | | .540 | .088 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 4 | 1/4 XS | | .540 | .119 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 5 | 3/8 S | | .675 | .091 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 6 | 3/8 XS | | .675 | .126 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 7 | 1/2 S | | .840 | .109 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 8 | 1/2 XS | | .840 | .147 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 9 | 1/2 XXS | | .840 | .294 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 10 | 3/4 S | | 1.050 | .113 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 11 | 3/4 XS | | 1.050 | .154 | A72 | M306 | M111 | A120 | A53 | 5L | | | | | | | |
| 12 | 3/4 XXS | | 1.050 | .308 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 13 | 1 S | | 1.315 | .133 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 14 | 1 XS | | 1.315 | .179 | A72 | M306 | M111 | A120 | A53 | 5L | | | | | | | |
| 15 | 1 XXS | | 1.315 | .358 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 16 | 1 1/4 S | | 1.660 | .140 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | | | |
| 17 | 1 1/4 XS | | 1.660 | .191 | A72 | M306 | M111 | A120 | A53 | 5L | | | | | | | |
| 18 | 1 1/4 XXS | | 1.660 | .382 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 19 | 1 1/2 S | | 1.900 | .145 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | | | | 888 | | |
| 20 | 1 1/2 XS | | 1.900 | .200 | A72 | M306 | M111 | A120 | A53 | 5L | | | | | | | |
| 21 | 1 1/2 XXS | | 1.900 | .400 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 22 | 2 S | | 2.375 | .154 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | | | 888 | | |
| 23 | 2 XS | | 2.375 | .218 | A72 | M306 | M111 | A120 | A53 | 5L | | A135 | | | | | |
| 24 | 2 XXS | | 2.375 | .436 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 25 | 2 1/2 S | | 2.875 | .203 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | | | 888 | | |
| 26 | 2 1/2 XS | | 2.875 | .276 | A72 | M306 | M111 | A120 | A53 | 5L | | A135 | | | | | |
| 27 | 2 1/2 XXS | | 2.875 | .552 | A72 | M306 | M111 | A120 | A53 | | | | | | | | |
| 28 | | 3 1/2 | 3.500 | .125 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 29 | | 3 1/2 | 3.500 | .156 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 30 | | 3 1/2 | 3.500 | .188 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 31 | | 3 1/2 | 3.500 | .216 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 32 | 3 S | | 3.500 | .216 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | | | | | |
| 33 | | 3 1/2 | 3.500 | .250 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 34 | | 3 1/2 | 3.500 | .281 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 35 | | 3 1/2 | 3.500 | .300 | | | | | | 5L | 7A.4 | A135 | | | | | |
| 36 | 3 XS | | 3.500 | .300 | A72 | M306 | M111 | A120 | A53 | 5L | | A135 | | | | | |
| 37 | 3 XXS | | 3.500 | .600 | A72 | M306 | M111 | A120 | A53 | | | A135 | | | | | |
| 38 | | 4 | 4.000 | .062 | | | | | | | | A135 | A139 | A211 | | | |
| 39 | | 4 | 4.000 | .078 | | | | | | | | A135 | A139 | A211 | | | |
| 40 | | 4 | 4.000 | .109 | | | | | | | 7A.4 | A135 | A139 | A211 | | | |
| 41 | | 4 | 4.000 | .125 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 42 | | 4 | 4.000 | .141 | | | | | | | 7A.4 | A135 | A139 | A211 | 888 | | |
| 43 | | 4 | 4.000 | .156 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 44 | | 4 | 4.000 | .172 | | | | | | | | A135 | A139 | A211 | | | |
| 45 | | 4 | 4.000 | .188 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 46 | | 4 | 4.000 | .226 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 47 | | 4 | 4.000 | .226 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 48 | 3 1/2 S | | 4.000 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 49 | | 4 | 4.000 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 50 | | 4 | 4.000 | .318 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 51 | 3 1/2 XS | | 4.000 | .318 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 52 | | 4 1/2 | 4.500 | .062 | | | | | | | | A135 | A139 | A211 | | | |
| 53 | | 4 1/2 | 4.500 | .078 | | | | | | | | A135 | A139 | A211 | | | |
| 54 | | 4 1/2 | 4.500 | .109 | | | | | | | | A135 | A139 | | 888 | | |
| 55 | | 4 1/2 | 4.500 | .125 | | | | | | 5L | 7A.4 | A135 | A139 | | | | |
| 56 | | 4 1/2 | 4.500 | .141 | | | | | | | | A135 | A139 | A211 | | | |
| 57 | | 4 1/2 | 4.500 | .156 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 58 | | 4 1/2 | 4.500 | .172 | | | | | | | | A135 | A139 | A211 | | | |
| 59 | | 4 1/2 | 4.500 | .188 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 60 | | 4 1/2 | 4.500 | .219 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 61 | | 4 1/2 | 4.500 | .237 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 62 | | 4 S | 4.500 | .237 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 63 | | 4 1/2 | 4.500 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 64 | | 4 1/2 | 4.500 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 65 | | 4 1/2 | 4.500 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 66 | | 4 1/2 | 4.500 | .337 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 67 | 4 XS | | 4.500 | .337 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 68 | 4 XXS | | 4.500 | .674 | A72 | M306 | M111 | A120 | A53 | | | A135 | A139 | | | | |
| 69 | | 5 1/2 | 5.563 | .156 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 70 | | 5 1/2 | 5.563 | .188 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 71 | | 5 1/2 | 5.563 | .219 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 72 | | 5 1/2 | 5.563 | .258 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 73 | 5 S | | 5.563 | .258 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 74 | | 5 1/2 | 5.563 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 75 | | 5 1/2 | 5.563 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 76 | | 5 1/2 | 5.563 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 77 | | 5 1/2 | 5.563 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 78 | 5 XS | | 5.563 | .375 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 79 | 5 XXS | | 5.563 | .750 | A72 | M306 | M111 | A120 | A53 | | | A135 | A139 | | | | |
| 80 | | 6 | 6.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 81 | | 6 | 6.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 82 | | 6 | 6.000 | .109 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 83 | | 6 | 6.000 | .141 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 84 | | 6 | 6.000 | .172 | | | | | | | | A135 | A139 | A211 | | | |
| 85 | | 6 | 6.000 | .188 | | | | | | | | A135 | A139 | | | | |
| 86 | | 6 | 6.000 | .219 | | | | | | | | A135 | A139 | | | | |

TABLE I—PIPE SIZES PERMISSIBLE FOR GENERAL USE—Continued

| Item | Nominal size (inches) Note (b) | O. D. size (inches) | Outside diam-eter (inches) | Wall thickness (inches) | ASTM-A72 Note (c) | AAR-M-306 Note (d) | AAR-M-111 | ASTM-A120 | ASTM-A53 Note (e) | API-5-L | AWWA-7A.4 Note (f) | ASTM-A135 Note (g) | ASTM-A139 | ASTM-A211 Note (h) | U. L. Sp. 1888 | ASTM-A134 | AWWA-7A.3 Note (i) |
|------|--------------------------------|---------------------|----------------------------|-------------------------|-------------------|--------------------|-----------|-----------|-------------------|---------|--------------------|--------------------|-----------|--------------------|----------------|-----------|--------------------|
| 87 | | 6 5/8 | 6.625 | .062 | | | | | | | | | A139 | A211 | | | |
| 88 | | 6 5/8 | 6.625 | .078 | | | | | | | | | A139 | A211 | | | |
| 89 | | 6 5/8 | 6.625 | .109 | | | | | | | | | A139 | A211 | | | |
| 90 | | 6 5/8 | 6.625 | .141 | | | | | | | | | A139 | A211 | | | |
| 91 | | 6 5/8 | 6.625 | .172 | | | | | | | | | A139 | A211 | | | |
| 92 | | 6 5/8 | 6.625 | .188 | | | | | | | | | A139 | A211 | | | |
| 93 | | 6 5/8 | 6.625 | .219 | | | | | | | | | A139 | A211 | | | |
| 94 | | 6 5/8 | 6.625 | .250 | | | | | | | | | A139 | A211 | | | |
| 95 | | 6 5/8 | 6.625 | .280 | | | | | | | | | A139 | A211 | | | |
| 96 | 6 S | 6 5/8 | 6.625 | .312 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 97 | | 6 5/8 | 6.625 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 98 | | 6 5/8 | 6.625 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 99 | | 6 5/8 | 6.625 | .432 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 100 | | 6 5/8 | 6.625 | .482 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 101 | 6 XS | 6 5/8 | 6.625 | .500 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 102 | 6 XXS | 6 5/8 | 6.625 | .584 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 103 | | 7 | 7.000 | .188 | | | | | | | | | A139 | A211 | | | |
| 104 | | 7 | 7.000 | .219 | | | | | | | | | A139 | A211 | | | |
| 105 | | 7 5/8 | 7.625 | .188 | | | | | | | | | A139 | A211 | | | |
| 106 | | 7 5/8 | 7.625 | .219 | | | | | | | | | A139 | A211 | | | |
| 107 | | 8 | 8.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 108 | | 8 | 8.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 109 | | 8 | 8.000 | .109 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 110 | | 8 | 8.000 | .141 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 111 | | 8 | 8.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 112 | | 8 5/8 | 8.625 | .062 | | | | | | | | | A139 | A211 | | | |
| 113 | | 8 5/8 | 8.625 | .078 | | | | | | | | | A139 | A211 | | | |
| 114 | | 8 5/8 | 8.625 | .109 | | | | | | | | | A139 | A211 | | | |
| 115 | | 8 5/8 | 8.625 | .141 | | | | | | | | | A139 | A211 | | | |
| 116 | | 8 5/8 | 8.625 | .172 | | | | | | | | | A139 | A211 | | | |
| 117 | | 8 5/8 | 8.625 | .188 | | | | | | | | | A139 | A211 | | | |
| 118 | | 8 5/8 | 8.625 | .219 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 119 | | 8 5/8 | 8.625 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 120 | | 8 5/8 | 8.625 | .277 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 121 | 8 S | 8 5/8 | 8.625 | .312 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 122 | | 8 5/8 | 8.625 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 123 | | 8 5/8 | 8.625 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 124 | 8 S | 8 5/8 | 8.625 | .432 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 125 | | 8 5/8 | 8.625 | .482 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 126 | | 8 5/8 | 8.625 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 127 | | 8 5/8 | 8.625 | .584 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 128 | | 8 5/8 | 8.625 | .600 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 129 | 8 XS | 8 5/8 | 8.625 | .600 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 130 | 8 XXS | 8 5/8 | 8.625 | .675 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 131 | | 9 5/8 | 9.625 | .188 | | | | | | | | A135 | A139 | A211 | | | |
| 132 | | 9 5/8 | 9.625 | .250 | | | | | | | | A135 | A139 | A211 | | | |
| 133 | | 10 | 10.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 134 | | 10 | 10.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 135 | | 10 | 10.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 136 | | 10 | 10.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 137 | | 10 | 10.000 | .172 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 138 | | 10 5/8 | 10.750 | .062 | | | | | | | | | A139 | A211 | | | |
| 139 | | 10 5/8 | 10.750 | .078 | | | | | | | | | A139 | A211 | | | |
| 140 | | 10 5/8 | 10.750 | .109 | | | | | | | | | A139 | A211 | | | |
| 141 | | 10 5/8 | 10.750 | .141 | | | | | | | | | A139 | A211 | | | |
| 142 | | 10 5/8 | 10.750 | .172 | | | | | | | | | A139 | A211 | | | |
| 143 | | 10 5/8 | 10.750 | .188 | | | | | | | | | A139 | A211 | | | |
| 144 | | 10 5/8 | 10.750 | .219 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 145 | | 10 5/8 | 10.750 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 146 | | 10 5/8 | 10.750 | .279 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 147 | 10 S | 10 5/8 | 10.750 | .307 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 148 | | 10 5/8 | 10.750 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 149 | 10 S | 10 5/8 | 10.750 | .375 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 150 | | 10 5/8 | 10.750 | .432 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 151 | | 10 5/8 | 10.750 | .482 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 152 | 10 S | 10 5/8 | 10.750 | .500 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 153 | | 10 5/8 | 10.750 | .584 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 154 | | 10 5/8 | 10.750 | .600 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 155 | 10 XS | 10 5/8 | 10.750 | .600 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 156 | | 11 3/4 | 11.750 | .188 | | | | | | | | | A139 | A211 | | | |
| 157 | | 11 3/4 | 11.750 | .250 | | | | | | | | | A139 | A211 | | | |
| 158 | | 12 | 12.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 159 | | 12 | 12.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 160 | | 12 | 12.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 161 | | 12 | 12.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 162 | | 12 | 12.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 163 | | 12 5/8 | 12.750 | .062 | | | | | | | | | A139 | A211 | | | |
| 164 | | 12 5/8 | 12.750 | .078 | | | | | | | | | A139 | A211 | | | |
| 165 | | 12 5/8 | 12.750 | .109 | | | | | | | | | A139 | A211 | | | |
| 166 | | 12 5/8 | 12.750 | .141 | | | | | | | | | A139 | A211 | | | |
| 167 | | 12 5/8 | 12.750 | .172 | | | | | | | | | A139 | A211 | | | |
| 168 | | 12 5/8 | 12.750 | .188 | | | | | | | | | A139 | A211 | | | |
| 169 | | 12 5/8 | 12.750 | .219 | | | | | | | | | A139 | A211 | | | |
| 170 | | 12 5/8 | 12.750 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 171 | | 12 5/8 | 12.750 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 172 | | 12 5/8 | 12.750 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 173 | | 12 5/8 | 12.750 | .330 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 174 | 12 S | 12 5/8 | 12.750 | .350 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 175 | | 12 5/8 | 12.750 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |
| 176 | | 12 5/8 | 12.750 | .432 | | | | | | 5L | 7A.4 | A135 | A139 | A211 | | | |

TABLE I—PIPE SIZES PERMISSIBLE FOR GENERAL USE—Continued

| Item | Nominal size (inches) Note (b) | O. D. size (inches) | Outside diam- eter (inches) | Wall thickness (inches) | ASTM-A72 Note (c) | AAR-M-306 Note (d) | AAR-M-311 | ASTM-A120 | ASTM-A133 Note (e) | API-5-L | AWWA-7A.4 Note (g) | ASTM-A135 Note (f) | ASTM-A139 | ASTM-A211 Note (g) | U. L. Sp. 1 888 | ASTM-A134 | AWWA-7A.3 Note (g) |
|------|--------------------------------------|------------------------|--------------------------------|----------------------------|----------------------|-----------------------|-----------|-----------|-----------------------|---------|-----------------------|-----------------------|-----------|-----------------------|-----------------|-----------|-----------------------|
| 177 | 12 s | | 12.750 | .375 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 178 | | 12 3/4 | 12.750 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | | | |
| 179 | | 12 3/4 | 12.750 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | | | |
| 180 | 12 xs | | 12.750 | .500 | A72 | M306 | M111 | A120 | A53 | 5L | 7A.4 | A135 | A139 | | | | |
| 181 | | 13 3/8 | 13.375 | .188 | | | | | | | | | A139 | | | | |
| 182 | | 13 3/8 | 13.375 | .250 | | | | | | | | | A139 | | | | |
| 183 | | 13 3/8 | 13.375 | .312 | | | | | | | | | A139 | | | | |
| 184 | | 14 | 14.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 185 | | 14 | 14.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 186 | | 14 | 14.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 187 | | 14 | 14.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 188 | | 14 | 14.000 | .172 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 189 | | 14 | 14.000 | .188 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 190 | | 14 | 14.000 | .219 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 191 | | 14 | 14.000 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 192 | | 14 | 14.000 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 193 | | 14 | 14.000 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 194 | | 14 | 14.000 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 195 | | 14 | 14.000 | .375 | A72 | | | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 196 | | 14 | 14.000 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 197 | | 14 | 14.000 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 198 | | 15 | 15.000 | .375 | A72 | | | A120 | A53 | 5L | | | A139 | | | | |
| 199 | | 16 | 16.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 200 | | 16 | 16.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 201 | | 16 | 16.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 202 | | 16 | 16.000 | .141 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 203 | | 16 | 16.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 204 | | 16 | 16.000 | .188 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 205 | | 16 | 16.000 | .219 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 206 | | 16 | 16.000 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 207 | | 16 | 16.000 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 208 | | 16 | 16.000 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 209 | | 16 | 16.000 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 210 | | 16 | 16.000 | .375 | A72 | | | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 211 | | 16 | 16.000 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 212 | | 16 | 16.000 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 213 | | 17 | 17.000 | .393 | A72 | | | A120 | A53 | 5L | | | A139 | | | | |
| 214 | | 18 | 18.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 215 | | 18 | 18.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 216 | | 18 | 18.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 217 | | 18 | 18.000 | .141 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 218 | | 18 | 18.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 219 | | 18 | 18.000 | .188 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 220 | | 18 | 18.000 | .219 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 221 | | 18 | 18.000 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 222 | | 18 | 18.000 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 223 | | 18 | 18.000 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 224 | | 18 | 18.000 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 225 | | 18 | 18.000 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 226 | | 18 | 18.000 | .409 | A72 | | | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 227 | | 18 | 18.000 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 228 | | 18 | 18.000 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 229 | | 20 | 20.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 230 | | 20 | 20.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 231 | | 20 | 20.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 232 | | 20 | 20.000 | .141 | | | | | | | 7A.4 | | A139 | A211 | | | |
| 233 | | 20 | 20.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 234 | | 20 | 20.000 | .188 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 235 | | 20 | 20.000 | .219 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 236 | | 20 | 20.000 | .250 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 237 | | 20 | 20.000 | .281 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 238 | | 20 | 20.000 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 239 | | 20 | 20.000 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 240 | | 20 | 20.000 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 241 | | 20 | 20.000 | .409 | A72 | | | A120 | A53 | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 242 | | 20 | 20.000 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 243 | | 20 | 20.000 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 244 | | 22 | 22.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 245 | | 22 | 22.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 246 | | 22 | 22.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 247 | | 22 | 22.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 248 | | 22 | 22.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 249 | | 22 | 22.000 | .188 | | | | | | | 7A.4 | | A139 | | 888 | | |
| 250 | | 22 | 22.000 | .219 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 251 | | 22 | 22.000 | .250 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 252 | | 22 | 22.000 | .281 | | | | | | | | | A139 | | 888 | | |
| 253 | | 22 | 22.000 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 254 | | 22 | 22.000 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 255 | | 22 | 22.000 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 256 | | 22 | 22.000 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 257 | | 22 | 22.000 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 258 | | 24 | 24.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 259 | | 24 | 24.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 260 | | 24 | 24.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 261 | | 24 | 24.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 262 | | 24 | 24.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 263 | | 24 | 24.000 | .188 | | | | | | | 7A.4 | | A139 | | 888 | | |
| 264 | | 24 | 24.000 | .219 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 265 | | 24 | 24.000 | .250 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 266 | | 24 | 24.000 | .281 | | | | | | | | A135 | A139 | | 888 | | |

TABLE I—PIPE SIZES PERMISSIBLE FOR GENERAL USE—Continued

| Item | Nominal size (inches) Note (b) | O. D. size (inches) | Outside diameter (inches) | Wall thickness (inches) | ASTM-A72 Note (c) | AAR-M-306 Note (d) | AAR-M-111 | ASTM-A120 | ASTM-A53 Note (e) | API-5-L | AWWA-7A.4 Note (g) | ASTM-A135 Note (f) | ASTM-A139 | ASTM-A211 Note (g) | U. L. Sp. 1888 | ASTM-A134 | AWWA-7A.3 Note (g) |
|------|--------------------------------|---------------------|---------------------------|-------------------------|-------------------|--------------------|-----------|-----------|-------------------|---------|--------------------|--------------------|-----------|--------------------|----------------|-----------|--------------------|
| 267 | | 24 | 24.000 | .312 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 268 | | 24 | 24.000 | .344 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 269 | | 24 | 24.000 | .375 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 270 | | 24 | 24.000 | .438 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 271 | | 24 | 24.000 | .500 | | | | | | 5L | 7A.4 | A135 | A139 | | 888 | | |
| 272 | | 26 | 26.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 273 | | 26 | 26.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 274 | | 26 | 26.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 275 | | 26 | 26.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 276 | | 26 | 26.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 277 | | 26 | 26.000 | .188 | | | | | | | 7A.4 | | A139 | | 888 | | |
| 278 | | 26 | 26.000 | .219 | | | | | | | 7A.4 | | A139 | | 888 | | |
| 279 | | 26 | 26.000 | .250 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 280 | | 26 | 26.000 | .281 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 281 | | 26 | 26.000 | .312 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 282 | | 26 | 26.000 | .375 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 283 | | 26 | 26.000 | .438 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 284 | | 26 | 26.000 | .500 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 285 | | 28 | 28.000 | .062 | | | | | | | | | A139 | A211 | | | |
| 286 | | 28 | 28.000 | .078 | | | | | | | | | A139 | A211 | | | |
| 287 | | 28 | 28.000 | .109 | | | | | | | | | A139 | A211 | | | |
| 288 | | 28 | 28.000 | .141 | | | | | | | | | A139 | A211 | | | |
| 289 | | 28 | 28.000 | .172 | | | | | | | | | A139 | A211 | | | |
| 290 | | 28 | 28.000 | .188 | | | | | | | 7A.4 | | A139 | | 888 | | |
| 291 | | 28 | 28.000 | .219 | | | | | | | 7A.4 | | A139 | | 888 | | |
| 292 | | 28 | 28.000 | .250 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 293 | | 28 | 28.000 | .281 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 294 | | 28 | 28.000 | .312 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 295 | | 28 | 28.000 | .375 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 296 | | 28 | 28.000 | .438 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 297 | | 28 | 28.000 | .500 | | | | | | | 7A.4 | A135 | A139 | | 888 | | |
| 298 | | 30 | 30.000 | .062 | | | | | | | | | | A211 | | | |
| 299 | | 30 | 30.000 | .078 | | | | | | | | | | A211 | | | |
| 300 | | 30 | 30.000 | .109 | | | | | | | | | | A211 | | | |
| 301 | | 30 | 30.000 | .141 | | | | | | | | | | A211 | | | |
| 302 | | 30 | 30.000 | .172 | | | | | | | | | | A211 | | | |
| 303 | | 30 | 30.000 | .188 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 304 | | 30 | 30.000 | .250 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 305 | | 30 | 30.000 | .281 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 306 | | 30 | 30.000 | .312 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 307 | | 30 | 30.000 | .375 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 308 | | 30 | 30.000 | .438 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 309 | | 30 | 30.000 | .500 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 310 | | 36 | 36.000 | .062 | | | | | | | | | | A211 | | | |
| 311 | | 36 | 36.000 | .078 | | | | | | | | | | A211 | | | |
| 312 | | 36 | 36.000 | .109 | | | | | | | | | | A211 | | | |
| 313 | | 36 | 36.000 | .141 | | | | | | | | | | A211 | | | |
| 314 | | 36 | 36.000 | .172 | | | | | | | | | | A211 | | | |
| 315 | | 36 | 36.000 | .188 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 316 | | 36 | 36.000 | .250 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 317 | | 36 | 36.000 | .312 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 318 | | 36 | 36.000 | .375 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 319 | | 36 | 36.000 | .438 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 320 | | 36 | 36.000 | .500 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 321 | | 42 | 42.000 | .062 | | | | | | | | | | A211 | | | |
| 322 | | 42 | 42.000 | .078 | | | | | | | | | | A211 | | | |
| 323 | | 42 | 42.000 | .109 | | | | | | | | | | A211 | | | |
| 324 | | 42 | 42.000 | .141 | | | | | | | | | | A211 | | | |
| 325 | | 42 | 42.000 | .172 | | | | | | | | | | A211 | | | |
| 326 | | 42 | 42.000 | .188 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 327 | | 42 | 42.000 | .250 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 328 | | 42 | 42.000 | .312 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 329 | | 42 | 42.000 | .375 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 330 | | 42 | 42.000 | .438 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 331 | | 42 | 42.000 | .500 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 332 | | 48 | 48.000 | .062 | | | | | | | | | | A211 | | | |
| 333 | | 48 | 48.000 | .078 | | | | | | | | | | A211 | | | |
| 334 | | 48 | 48.000 | .109 | | | | | | | | | | A211 | | | |
| 335 | | 48 | 48.000 | .141 | | | | | | | | | | A211 | | | |
| 336 | | 48 | 48.000 | .172 | | | | | | | | | | A211 | | | |
| 337 | | 48 | 48.000 | .188 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 338 | | 48 | 48.000 | .250 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 339 | | 48 | 48.000 | .312 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 340 | | 48 | 48.000 | .375 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 341 | | 48 | 48.000 | .438 | | | | | | | | | | | 888 | A134 | 7A.3 |
| 342 | | 48 | 48.000 | .500 | | | | | | | | | | | 888 | A134 | 7A.3 |

NOTES: (a) Titles of permissible specifications and effective amendments are set forth in List 1.

(b) In the column headed "Nominal size (inches)":

"s" denotes "Standard Weight" pipe

"xs" denotes "Extra Strong" pipe

"xxs" denotes "Double Extra Strong" pipe

(c) ASTM-A72: Wall thickness is 2 to 3 per cent greater than shown. Same sizes and wall thicknesses apply for ASME-S-19.

(d) AAR-M-306: Wall thickness is 2 to 3 per cent greater than shown.

(e) ASTM-A53: Same sizes and wall thicknesses apply for ASME-S-18.

(f) ASTM-A135: Same sizes and wall thicknesses apply for ASME-S-58.

(g) ASTM-A211: AWWA-7A.3; AWWA-7A.4: When specified by the customer and when the producer has existing facilities for production, welded pipe to these specifications may be made to inside diameters equivalent to the outside diameters set forth in Table I within the range from 4 to 30 inches, inclusive, and to wall thicknesses of .062, .078, .109, .141, and .172 inch.

TABLE II—PIPE SIZES PERMISSIBLE FOR GOVERNMENT ORDERS ONLY (See footnotes (a), (b), and (c))
NOTE: Table II amended November 27, 1943.

| Item | Nominal size (inches) Note (d) | O. D. size (inches) | Outside diameter (inches) | Wall thickness (inches) | CG-MIN 51.12, note (e) | Federal WW-P-441, note (e) | Navy 44P11, note (e) | Federal WW-P-403 | Navy 44P10 | Navy 66P1, note (f) |
|------|-----------------------------------|---------------------------|---------------------------------|-------------------------------|------------------------------|----------------------------------|----------------------------|---------------------|---------------|---------------------------|
| 1 | 1/8 | S | .405 | .068 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 2 | 1/8 | XS | .405 | .095 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 3 | 1/4 | S | .540 | .088 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 4 | 1/4 | XS | .540 | .119 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 5 | 3/8 | S | .675 | .091 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 6 | 3/8 | XS | .675 | .126 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 7 | 1/2 | S | .840 | .109 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 8 | 1/2 | XS | .840 | .147 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 9 | 1/2 | XXS | .840 | .294 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 10 | 3/4 | S | 1.050 | .113 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 11 | 3/4 | XS | 1.050 | .154 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 12 | 3/4 | XXS | 1.050 | .308 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 13 | 1 | S | 1.315 | .133 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 14 | 1 | XS | 1.315 | .179 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 15 | 1 | XXS | 1.315 | .358 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 16 | 1 1/4 | S | 1.660 | .140 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 17 | 1 1/4 | XS | 1.660 | .191 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 18 | 1 1/4 | XXS | 1.660 | .382 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 19 | 1 1/2 | S | 1.900 | .145 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 20 | 1 1/2 | XS | 1.900 | .200 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 21 | 1 1/2 | XXS | 1.900 | .400 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 22 | 2 | S | 2.375 | .154 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 23 | 2 | XS | 2.375 | .218 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 24 | 2 | XXS | 2.375 | .436 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 25 | | | 2.875 | .120 | | | 44P11 (*) | | | |
| 26 | 2 1/4 | S | 2.875 | .203 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 27 | 2 1/4 | XS | 2.875 | .276 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 28 | 2 1/4 | XXS | 2.875 | .552 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 29 | | | 3 1/4 | .140 | | | 44P11 (*) | | | |
| 30 | 3 | S | 3.500 | .216 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 31 | 3 | XS | 3.500 | .300 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 32 | 3 | XXS | 3.500 | .600 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 33 | | | 4 | .148 | | | 44P11 (*) | | | |
| 34 | 3 1/2 | S | 4.000 | .226 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 35 | 3 1/2 | XS | 4.000 | .318 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 36 | 3 1/2 | XXS | 4.000 | .636 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 37 | | | 4 1/4 | .160 | | | 44P11 (*) | | | |
| 38 | 4 | S | 4.500 | .237 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 39 | 4 | XS | 4.500 | .337 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 40 | 4 | XXS | 4.500 | .674 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 41 | | | 5 1/4 | .200 | | | 44P11 (*) | | | |
| 42 | 5 | S | 5.563 | .258 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 43 | 5 | XS | 5.563 | .375 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 44 | 5 | XXS | 5.563 | .750 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 45 | | | 6 1/4 | .200 | | | 44P11 (*) | | | |
| 46 | 6 | S | 6.625 | .280 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 47 | 6 | XS | 6.625 | .432 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 48 | 6 | XXS | 6.625 | .864 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 49 | | | 8 | .109 | | | | | | 66P1 |
| 50 | | | 8 | .171 | | | | | | 66P1 |
| 51 | | | 8 1/4 | .225 | | | 44P11 (*) | | | |
| 52 | 8 | S | 8.625 | .277 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 53 | 8 | XS | 8.625 | .322 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 54 | 8 | XS | 8.625 | .500 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 55 | 8 | XXS | 8.625 | .875 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 56 | | | 10 | .109 | | | | | | 66P1 |
| 57 | | | 10 | .171 | | | | | | 66P1 |
| 58 | 10 | S | 10.750 | .279 | 51.12 | | 44P11 (*) | | | |
| 59 | | | 10 1/4 | .284 | | | | | | |
| 60 | 10 | S | 10.750 | .307 | 51.12 | | | | | |
| 61 | 10 | S | 10.750 | .365 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 62 | 10 | XS | 10.750 | .600 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 63 | | | 12 | .109 | | | | | | 66P1 |
| 64 | | | 12 | .187 | | | | | | 66P1 |
| 65 | | | 12 1/4 | .250 | | | 44P11 (*) | | | |
| 66 | | | 12 1/2 | .320 | | | 44P11 (*) | | | |
| 67 | 12 | S | 12.750 | .330 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 68 | 12 | S | 12.750 | .375 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 69 | 12 | XS | 12.750 | .600 | 51.12 | 441 | 44P11 | 403 | 44P10 | |
| 70 | | | 14 | .109 | | | | | | 66P1 |
| 71 | | | 14 | .187 | | | | | | 66P1 |
| 72 | | | 14 | .250 | | | 44P11 (*) | | | |
| 73 | | | 15 | .250 | | | 44P11 (*) | | | |
| 74 | | | 16 | .109 | | | | | | 66P1 |
| 75 | | | 16 | .218 | | | | | | 66P1 |
| 76 | | | 16 | .250 | | | 44P11 (*) | | | |
| 77 | | | 18 | .109 | | | | | | 66P1 |
| 78 | | | 18 | .218 | | | | | | 66P1 |

TABLE II—PIPE SIZES PERMISSIBLE FOR GOVERNMENT ORDERS ONLY—Continued

| Item | Nominal size (inches) Note (d) | O. D. size (inches) | Outside diameter (inches) | Wall thickness (inches) | CG-MIN 51.12, note (e) | Federal WW-P-441, note (e) | Navy 44P11, note (e) | Federal WW-P-403 | Navy 44P10 | Navy 66P1, note (f) |
|------|-----------------------------------|---------------------------|---------------------------------|-------------------------------|------------------------------|----------------------------------|----------------------------|---------------------|---------------|---------------------------|
| 79 | | 20 | 20.000 | .140 | | | | | | 66P1 |
| 80 | | 20 | 20.000 | .218 | | | | | | 66P1 |
| 81 | | 22 | 22.000 | .140 | | | | | | 66P1 |
| 82 | | 22 | 22.000 | .218 | | | | | | 66P1 |
| 83 | | 24 | 24.000 | .140 | | | | | | 66P1 |
| 84 | | 24 | 24.000 | .250 | | | | | | 66P1 |
| 85 | | 26 | 26.000 | .140 | | | | | | 66P1 |
| 86 | | 26 | 26.000 | .250 | | | | | | 66P1 |
| 87 | | 28 | 28.000 | .140 | | | | | | 66P1 |
| 88 | | 28 | 28.000 | .281 | | | | | | 66P1 |
| 89 | | 30 | 30.000 | .140 | | | | | | 66P1 |
| 90 | | 30 | 30.000 | .281 | | | | | | 66P1 |

NOTES: (a) Titles of permissible specifications are set forth in List 2. The applicable issue of any specification in List 2 shall be that in effect on the date of the invitation to bid, or such subsequent issue as may be agreed on by the producer and the procuring agency.
 (b) CG-MIN-51.11a: Diameters and wall thicknesses shown for ASTM-A53 in Table I are applicable.
 (c) CG-MIN-51.11b: Diameters and wall thicknesses shown for ASTM-A135 in Table I are applicable.
 (d) In the column headed "Nominal size (inches)," "s" denotes "Standard Weight" pipe
 "xs" denotes "Extra Strong" pipe
 "xxs" denotes "Double Extra Strong" pipe
 (e) CG-MIN-51.12; Federal WW P-441; Navy 44P11; wall thickness is 2 to 3 percent greater than shown, except for items marked with "(*)" under Navy 44P11, where actual wall thickness is shown.
 (f) Navy 66P1: Note that this specification covers either outside diameters or inside diameters.

[F. R. Doc. 43-19042; Filed, November 27, 1943; 10:59 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-210, Amdt. 1]

MUTUAL CLEANERS, INC.

Mutual Cleaners, Inc. has appealed from the provisions of Suspension Order S-210, effective January 11, 1943. Evidence introduced at a hearing before the Chief Compliance Commissioner indicates that one of the steam pressing machines which has been used by the appellant is in disrepair and that the necessary repair parts can not be obtained. The Chief Compliance Commissioner has directed that appellant be given permission to use one of the ten steam pressing machines referred to in Suspension Order S-210 to replace the machine previously used by appellant which is now in a state of disrepair, and to sell the other nine steam pressing machines referred to in Suspension Order S-210 in the manner hereinafter set forth.

In view of the foregoing, *It is hereby ordered*, That paragraph (a) of § 1010.210 Suspension Order S-210 issued January 11, 1943 shall be amended to read as follows:

(a) Mutual Cleaners, Inc. shall not use for any purpose nine of the ten steam pressing machines, Singer Model, Serial Nos. 2615, 2630, 2632, 2625, 2631, 2634, 2635, 2636, 2642, 2643, which it purchased on June 19, 1942, except as specifically authorized by the War Production Board, *Provided, however*, That nothing contained in this paragraph shall prohibit Mutual Cleaners, Inc. from selling or otherwise disposing of any of such ma-

No. 237—3

chines in accordance with the provisions of paragraph (b) of General Limitation Order L-91, as amended July 6, 1943.

Issued this 29th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19090; Filed, November 29, 1943;
11:01 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-292, Schedule V]

PRODUCTION RESTRICTIONS IN LIEU OF QUOTAS FOR SUGAR PROCESSING MACHINERY AND EQUIPMENT

§ 1226.81a *Restriction on production of sugar processing machinery and equipment*—(a) *Purpose of this schedule*. Since sugar processing machinery is on Schedule B of Order L-292, its production has been prohibited. Therefore, the quota provisions of paragraph (g) (2) of Order L-292 do not apply to sugar processing machinery and equipment. The purpose of this schedule is to permit the manufacture of a limited quantity of this machinery and equipment during the period from November 29, 1943, to September 30, 1944. These production restrictions are in accordance with paragraph (g) (1) of Order L-292 which says that the War Production Board may at any time adopt schedules stating the number of units of food processing machinery of any kind that may

be fabricated and assembled by any manufacturer. The provisions of this schedule take the place of the restrictions on manufacture contained in paragraph (c) and Schedule B of Order L-292 for sugar processing machinery and equipment.

(b) *Number of units which may be manufactured*. During the period beginning November 29, 1943, and ending September 30, 1944, each manufacturer may fabricate or assemble any sugar processing machinery or equipment necessary to fill orders actually received by him if the orders are of a kind which he is permitted to accept under Order L-292. In addition each manufacturer may fabricate or assemble the number of units of centrifugals and sugar sprayers necessary to maintain a maximum inventory of two units of centrifugals and three units of sugar sprayers. A manufacturer must not fabricate or assemble any sugar processing machinery or equipment other than centrifugals and sprayers for inventory.

(c) *Applicability of Limitation Order L-292*. Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292 as amended from time to time.

Issued this 29th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19091; Filed, November 29, 1943;
11:01 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[General Inventory Order M-161 as Amended
Nov. 29, 1943]

§ 1255.1 *General Inventory Order M-161—(a) What this order does.* This order excepts certain materials from inventory restrictions and from limits on the purchase of maintenance, repair, and operating supplies. The exception is made in some cases because there is no serious shortage of the material and in other cases because the material is available in quantity only in certain seasons, so that it is desirable to permit persons to buy and store it without limit.

(b) *Exception to inventory restrictions.* Section 944.14 of Priorities Regulation 1, which restricts inventory to a practicable working minimum, does not apply to the materials listed on Schedule A. Each of these materials is also exempted from all inventory restrictions in any other regulation or order of the War Production Board unless they expressly mention the material.

(c) *Exemption from restrictions on maintenance, repair, and operating supplies.* The materials listed on Schedule A are not subject to any restrictions in any regulation or order of the War Production Board which limit the quantity of material received or ordered for maintenance, repair, or operating supplies during any period on the basis of the amount of such supplies purchased during a base period. A person may receive or order for delivery any quantity of listed materials without regard to these restrictions. He does not have to charge his orders for any such material against his base-period quota except to the extent that purchases of the same material were taken into account in arriving at his quota. For example, a manufacturer operating under CMP Regulation 5 is limited in his purchases of maintenance, repair, and operating supplies to the amount which he spent in the base period. A manufacturer who spent \$50,000 during the base period, including \$500 for lead, may buy any amount of lead during the current period, and may use his MRO rating for that purpose, and he need include only \$500 of the amount thus spent for lead in figuring the amount to be charged to his quota of MRO.

Issued this 29th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Asbestos of grades included in Groups 4, 5, 6, 7, 8 and 9 (Canadian Asbestos Classification).

Bentonite.
Kaolin.
Ball clay.
Stoneware clay.
Feldspar.
Potter's flint.

Domestic andalusite.
Domestic dumortierite.
Pinite.
Pyrophyllite.
Soapstone.
Ilmenite.
Salt (sodium chloride) in
Sodium sulfate (salt cake)
Lead.
Phosphate rock.
Sulphur.
Waste paper.

[F. R. Doc. 43-19092; Filed, November 29, 1943;
11:01 a. m.]

PART 3281—WOOD PULP¹

[General Preference Order M-93 as Amended
Nov. 29, 1943]

§ 3281.6¹ *General Preference Order M-93—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Wood pulp" means and includes pulp manufactured either by mechanical or chemical means from coniferous or broadleaf trees.

(2) "Other fibrous material" means and includes any waste material or virgin material of a fibrous nature other than wood pulp used in the manufacture of paper and paperboard or paper products.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Producer" means and includes any person producing wood pulp as hereinbefore defined.

(5) "Consumer" means any purchaser of wood pulp, or person who received wood pulp from a producer as hereinbefore defined.

(c) *Directions as to deliveries.* (1) No producer shall make and no person shall accept from a producer deliveries of wood pulp until the deliveries have been approved by the War Production Board in accordance with the following procedure:

(i) On or before the fifth day of February, May, August and November of each year, each consumer other than the Army, Navy, and other agencies and governments referred to in paragraph (b) of Priorities Regulation No. 1, as amended, including countries eligible to receive material or equipment under the Lend-Lease Act or under licenses or release certificates issued by the F. E. A., shall file with the producer his orders for wood pulp to be delivered during the following quarter on Form WPB-697 in accordance with the instructions accompanying that form.

¹ Formerly Part 1096, § 1096.1.

cordance with the instructions accompanying that form.

(ii) On or before the tenth day of each month, each consumer and each manufacturer of paper and paperboard from waste materials only, shall file with the War Production Board either Form WPB-698 or Form WPB-3365 showing his receipts, consumption, and inventory of wood pulp and other fibrous materials in accordance with the instructions accompanying those forms.

(iii) On or before the tenth day of February, May, August and November of each year, each producer shall file with the War Production Board Form WPB-699 Part I showing his orders and proposed shipping schedule for the following quarter in accordance with the instructions accompanying that form.

(iv) On or before the tenth day of each month, beginning December 10, 1943, each producer shall file with the War Production Board Form WPB-699 Part II showing his monthly production and shipments of wood pulp in accordance with the instructions accompanying that form.

(v) On or before the fifteenth day of February, May, August and November of each year, each consumer shall file with the War Production Board his application for use and delivery of wood pulp for the following quarter on either Form WPB-2973 or WPB-2974 in accordance with the instructions accompanying those forms. Form WPB-2973 shall also be filed by each manufacturer of paper and paperboard from waste materials only.

(vi) On or before the fifteenth day of February, May, August and November of each year, each consumer shall file with the War Production Board his quarterly report of machine production of paper and paperboard on Forms WPB-3358 or WPB-3363 in accordance with the instructions accompanying these forms. Form WPB-3358 is also to be filed by each manufacturer of paper and paperboard from waste materials only.

(vii) Each producer may make during each quarter only the deliveries approved by the War Production Board.

(2) No person shall make delivery of wood pulp from his inventory thereof to any person, and no person shall accept delivery thereof except from a producer, without having first obtained the express authority of the War Production Board.

(3) Each person affected by this order shall comply with such directions as may be given from time to time by the War

Production Board with respect to use and/or delivery of wood pulp.

(d) *Withheld deliveries and imports.* (1) During each calendar quarter, each producer shall withhold from his quarterly production of wood pulp such portion thereof as may be determined and specified from time to time by the War Production Board. From the amounts so withheld, deliveries shall be made only upon express direction of the War Production Board.

(2) Any person having in his possession wood pulp arriving at its first destination in the United States at or after twelve noon, Eastern War Time, on May 1st, 1942, shall hold the same at the disposal of the War Production Board. Any person who has placed any order for wood pulp to arrive at its first destination in the United States after twelve noon, Eastern War Time, on May 1st, 1942, shall notify the War Production Board of such order on Form WPB-697, in accordance with the instructions attached thereto, and shall request the foreign producer to deliver such wood pulp in accordance with the directions of the War Production Board.

(e) *Special provisions as to deliveries.*—(1) *Small quantities.* Notwithstanding the provisions of paragraphs (c) and (d) of this order, any person may deliver wood pulp to any other person or persons in an amount not exceeding five tons of any one grade to each such person during any calendar quarter, and any person may accept deliveries of wood pulp from any other person or persons in an amount not exceeding five tons during any calendar quarter.

(2) *Intra-company deliveries.* The prohibitions and restrictions contained in this order shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division, or section of the same or any other business enterprise under common ownership or control; and each such affiliate, subsidiary, branch, division or section shall for the purposes of this order be deemed a separate person.

(f) *Notification of consumers.* Any person who is prohibited from, or restricted in, making deliveries of wood pulp by the provisions of this order, shall, as soon as practicable, notify each of his regular consumers of the requirements of this order, and of the cancellation as of May 1, 1942, of all deliveries of wood pulp previously contracted for, except such as shall be authorized hereunder, but the failure to give such notice shall not excuse any consumer from the obligation of complying with the terms of this order.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended, the producer, and each consumer placing or receiving any purchase order hereunder, shall each retain for a period of two years, for the inspection by representatives of the War Production Board, endorsed copies of all such purchase orders, whether accepted or rejected, segregated from all other purchase orders or filed in such a manner that they can be readily segregated for such inspection.

(h) *Reports.* Each producer and consumer covered by this order shall file such reports and questionnaires as are required by paragraph (c) of this order and such other reports and questionnaires as may be required from time to time by the War Production Board.

(i) *Communications to War Production Board.* All reports required to be filed under this order, and all communications concerning this order, unless otherwise directed, shall be addressed to: War Production Board, Washington, 25, D. C. Ref: M-93.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal by addressing a letter to the War Production Board, Ref: M-93, Washington 25, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

Issued this 29th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19093; Filed, November 29, 1943;
11:01 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT¹

[General Limitation Order L-206, as
Amended Nov. 29, 1943]

X-RAY EQUIPMENT

Section 3090.1 *General Limitation Order L-206* is hereby amended to read as follows:

¹ Formerly Part 3090, § 3090.1.

§ 3296.61¹ *General Limitation Order L-206*—(a) *Purpose of this amended order.* This order is a complete revision of Order L-206 as it stood prior to November 29, 1943. The provisions of this order take the place of the provisions of the older editions of L-206. The principal purpose of this revised order is to eliminate the paper work required heretofore and to establish maximum dollar quotas for shipments of medical X-ray equipment to civilians, based on a normal pre-war base period. Shipments to persons and agencies other than civilians (as defined in paragraph (e) (8) below) will not be counted against the quota and therefore will be unrestricted. The provisions of the older editions of the order which required the filing of Form PD-774 by the manufacturers and PD-556 by prospective purchasers have been taken out of the order. Furthermore, the restrictions on models and types of X-ray equipment heretofore contained in the order have been removed by deleting Schedule A and the provisions pertaining to that schedule.

(b) *Restrictions on shipments of medical X-ray equipment.* (1) During the 12 months' period beginning October 1, 1943, and during every 12 months' period beginning October 1st thereafter, no manufacturer shall ship to civilians more medical X-ray equipment (by dollar value) than 75 per cent of his base period shipments. (The terms "manufacturer", "civilians", "medical X-ray equipment", and "base period shipments" are defined in paragraph (e).) Shipments to civilians during the calendar quarter beginning October 1, 1943, and during any calendar quarter thereafter, must not exceed 35 per cent of the quota permitted for the entire 12 months' period. (Shipments to civilians include shipments to distributors and dealers for resale to civilians.) In charging off shipments against the permitted quota, dollar values must be calculated on the basis of the manufacturer's published list price for the item as of November 29, 1943. If the manufacturer had no published list price for the item on November 29, 1943, the first legally authorized list price published after that date must be the basis.

(i) As an illustration of the foregoing restrictions, assume that a manufacturer's base period shipments amounted to \$1,000,000. His quota for the entire 12 months' period would then be \$750,000 (75 per cent of his base period shipments); and he would not be permitted to make shipments amounting to more than \$262,500 (35 per cent of \$750,000) during any calendar quarter.

(2) There is no restriction on the dollar value of shipments of medical X-ray equipment which may be made to the Army or Navy of the United States, the United States Maritime Commission, any

agency of the United States Government purchasing for Lend-Lease purposes, the Canadian Army and Air Force, the Canadian Navy, or persons holding export licenses issued by the Office of Economic Warfare or the Foreign Economic Administration. Nor is there any restriction on the dollar value of shipments of industrial X-ray equipment which may be made, regardless of who the purchaser may be.

(c) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any manufacturer with respect to production or shipments of X-ray equipment.

(d) *Reports.* On or before December 10, 1943, and on or before the 10th day of every month thereafter, each manufacturer shall file with the War Production Board, Washington 25, D. C., three copies of a letter containing a report of shipments of X-ray equipment (by dollar value) made during the preceding calendar month. (However, the first report should show the shipments made during October and November, 1943, and shipments for each month should be reported separately.) Shipments should be reported separately for each of the following: (1) Army of the United States; (2) Navy of the United States; (3) United States Maritime Commission; (4) Lend-Lease; (5) Canadian Army, Navy and Air Force; (6) Office of Economic Warfare and Foreign Economic Administration; (7) Canadian (civilian); and (8) Office of Civilian Requirements (all persons in the United States, its territories and possessions except the Army, Navy and Maritime Commission). Separate reports should be made for shipments of medical X-ray equipment and industrial X-ray equipment. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Definitions.* The meaning of various terms used in this order is set forth below:

(1) "X-ray equipment" means the following radiographic equipment, fluoroscopic equipment and therapy equipment: power units; radiographic, fluoroscopic, and therapy tables; photo-fluorographic units; cassette changers; and tube stands. The terms shall not include (i) any parts, accessories, or appliances used in connection with radiography, fluoroscopy or therapy, other than the items specifically named above; (ii) rebuilt equipment; nor (iii) any equipment which has at any time been sold to an ultimate user. "Medical X-ray equipment" means X-ray equipment designed for medical (including dental) use; and "industrial X-ray equipment" means X-ray equipment designed for non-medical industrial use. However, if a piece of X-ray equipment is designed for medical use but is sold for non-medical industrial use, it shall be regarded as industrial X-ray equipment; likewise if it is designed for non-medical industrial use but is sold for medical use, it shall be regarded as medical X-ray equipment. Finally, if it is designed for either medi-

cal or industrial use, its classification shall depend on the use for which it is sold.

(2) "Power unit" means a high-voltage transformer (with or without rectifying tubes) and control for X-ray use.

(3) "Radiographic, fluoroscopic or therapy table" means a table adapted for placing a patient in a position for radiography, fluoroscopy or therapy, and may be either stationary or tilting.

(4) "Photo-fluorographic unit" means an instrument for photographing the image cast by X-rays through a patient on a fluoroscopic screen. It includes a camera, supporting stand, and fluoroscopic screen. It is also known as a "photo-roentgen unit" or a "photo-fluorograph."

(5) "Cassette changer" means equipment designed to hold two cassettes (one protected from X-rays by a lead shield, and one in the radiographic field) which is constructed to interchange the position of the cassettes.

(6) "Tube stand" means a tubular or frame support (mounted on a base which is either mobile or stationary) which is designed to hold the carriage of an X-ray tube head and allow its vertical movement.

(7) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of X-ray equipment.

(8) "Civilians" means all persons other than (i) the Army or Navy of the United States, (ii) the United States Maritime Commission, (iii) any agency of the United States Government purchasing for Lend-Lease purposes, (iv) the Canadian Army and Air Force, (v) the Canadian Navy, and (vi) persons required to obtain export licenses from the Office of Economic Warfare or the Foreign Economic Administration. In other words, the term "civilians" includes so-called domestic civilians, all agencies of the United States Government other than the agencies named above, and Canadian civilians.

(9) "Base period shipments" means a manufacturer's average annual shipments (by dollar value) of medical X-ray equipment during the years 1937, 1938 and 1939 to all persons located in the United States, its territories or possessions or located in the Dominion of Canada, but excluding shipments to the Army and Navy of the United States. (In other words, shipments to all persons located outside of the United States, its territories and possessions (except Canadians) and shipments to the Army and Navy of the United States should not be counted in determining base period shipments.) To illustrate how base period shipments are calculated, assume that a manufacturer's shipments of medical X-ray equipment to all persons located in the United States, its territories or possessions (except the Army and Navy) or located in the Dominion of Canada amounted to \$1,075,000 in 1937, \$900,000 in 1938 and \$1,025,000 in 1939; his base period shipments would then be \$1,000,000. In determining base period shipments, dollar values must be

calculated on the basis of the manufacturer's published list prices at the time the shipments were made. Furthermore, in determining dollar values of shipments of medical X-ray equipment, it should be remembered that the term "X-ray equipment" is defined in paragraph (e) (1) of this order to include only certain named items. Other items not included in that definition (such as bucky diaphragms, stationary grids, and X-ray accessories and appliances) should not be counted in determining base period shipments and should not be counted in determining the dollar value of shipments permitted under paragraph (b) of this order.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(j) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-206.

Issued this 29th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19094; Filed, November 29, 1943;
11:01 a. m.]

[Interpretation 1 of L-206, Revocation]

PART 3090—X-RAY EQUIPMENT

Section 3090.1 Interpretation 1 of Order L-206, is superseded by reason of the elimination of Schedule A from the order.

Issued this 29th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19095; Filed, November 29, 1943;
11:01 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 9,¹ Amdt. 4]

TEMPORARY FOOD RATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The second sentence of § 1305.65a (c) is amended by amending the phrase "14 points of foods covered by Ration Order 16" to read "16 points of foods covered by Ration Order 16".

This amendment shall become effective December 1, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19010; Filed, November 26, 1943;
4:42 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 45, Amdt. 4]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1305.59 (a) (3) is amended to include the following additional commodity.

Guinea pig complement

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19024; Filed, November 26, 1943;
4:42 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 45,² Amdt. 5]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

* Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 7107, 10079, 12796, 13060, 14049, 15254.

² Citation to Supplementary Order No. 45.

Supplementary Order 45 is amended in the following respects:

1. In § 1305.59 (a) (3), the following items are added:

Changeable sign letters, and equipment for mounting such letters on theater marquees and in theater lobbies.

Theater lobby display signs and transparencies, and equipment for mounting such signs and transparencies.

Novelty pouring and measuring caps for liquor bottles.

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19009; Filed, November 26, 1943;
4:43 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,¹ Incl. Amdt. 18]

LOGS AND BOLTS

Sections 1 (a), 3 (a), 4 (d); Article II, Table of Appendices, Part I; Appendix D, Table 1 amended; sections 1 (c), 4 (b) deleted by Amendment 18, effective December 2, 1943, so that Maximum Price Regulation 348 shall read as follows:

A statement of the considerations² involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Am. 8, 8 F.R. 12797, effective 9-24-43]

§ 1312.401 *Maximum prices for logs and bolts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Maximum Price Regulation No. 348 (Logs and Bolts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1312.401 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 348—LOGS AND BOLTS

CONTENTS

ARTICLE I—PROHIBITION, SCOPE OF REGULATION AND GENERAL PROVISIONS

Sec.

1. Sales of logs and bolts at higher than maximum prices prohibited.

¹ 8 F.R. 3670.

² Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Sec.

2. To what products, transactions, and persons this regulation applies.

3. Maximum prices.

4. Posting, advertising and filing maximum prices.

5. What the invoice or billing must contain.

6. Records.

7. Prohibited practices.

8. Applications for adjustment and petitions for amendment.

9. Establishment of dollars-and-cents prices by areas.

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ARTICLE II—SPECIFIC MAXIMUM PRICES

ARTICLE I—PROHIBITION, SCOPE OF REGULATION AND GENERAL PROVISIONS

SECTION 1. *Sales of logs and bolts at higher than maximum prices prohibited.*

(a) On and after April 23, 1943, regardless of any contract or obligation, no person shall sell or deliver to any plant, and no plant shall buy or receive in the course of trade or business, any logs or bolts at prices higher than the maximum prices fixed by this regulation, and no person or plant shall agree, offer or attempt to do any of these things.

[Paragraph (a) as amended by Am. 18, effective 12-2-43]

(b) Prices lower than the maximum prices may, of course, be charged or paid.

(c) [Deleted]

[Paragraph (c) deleted by Am. 18, effective 12-2-43]

(d) The maximum price of hardwood logs of grades lower than prime grades shall in no event be higher than the maximum prices in Maximum Price Regulation 313,¹ Prime Grade Hardwood Logs.

[Paragraph (d) added by Am. 2, 8 F.R. 5565, effective 5-1-43]

SEC. 2. *To what products, transactions, and persons this regulation applies—*(a) *Products covered by the regulation.* This regulation covers, under the term "logs and bolts", all diameters, lengths, grades and species of logs and bolts produced or cut anywhere in the United States. It applies to logs or bolts sold on any type of measure, including log scale, lumber scale, standards, or cubic volume (such as cord measurement). However, it specifically does not apply to the following:

(1) West Coast logs covered by Maximum Price Regulation No. 161 (West Coast Logs)⁴ or any amendment or revision of that regulation;

(2) Prime grade hardwood logs covered by Maximum Price Regulation No. 313 (Prime Grade Hardwood Logs) or any amendment or revision of that regulation;

(3) Sequoia or California Redwood logs and bolts;

(4) Pulpwood covered by any regulation on pulpwood.

[Subparagraph (4) as amended by Am. 5, 8 F.R. 9515, effective 7-14-43]

(5) Logs and bolts sold for use as firewood or fuel;

(6) Posts, poles or piling of any species sold for use as posts, poles, or piling.

¹ 8 F.R. 1453, 2208, 2992, 5564, 6359, 10825.

⁴ 8 F.R. 1117, 2992, 5678, 6619, 9381, 11509.

(b) *Transactions covered by the regulation.* This regulation covers all purchases of logs and bolts subject to this Regulation by plants which convert logs or bolts into finished or unfinished wood or chemical products. It also covers all sales of logs and bolts to these plants. In addition, it applies to all sales and purchases of logs or bolts used for a commercial purpose without processing, such as mine props, posts, fender logs, and the like except when they are covered by another maximum price regulation. When dollars-and-cents maximum prices are listed in an appendix to this Regulation, every transaction involving logs of those grades and species in the area shall be subject to those maximum prices.

[Paragraph (b) as amended by Am. 5, 8 F.R. 9515, effective 7-14-43]

(c) *Persons covered by the regulation.* Any person who makes the kind of sale or purchase covered by this regulation is subject to the regulation. The term "person" includes: an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(d) *Unprocessed logs.* In the case of sales or purchases of logs for use without further processing, such as for mine props, posts, fender logs, and the like, except those covered by a specific price regulation, the purchasing mine, mill or other user of those logs shall be deemed to be a "buying plant" for the purposes of this Regulation.

[Paragraph (d) added by Am. 5, 8 F.R. 9515, effective 7-14-43]

SEC. 3. Maximum prices—(a) In general. The highest price which any buying plant can pay for logs or bolts is the average price which that buying plant paid during September and October 1942 for the same species and grade of logs or bolts. This ceiling price is also the highest price which any seller can charge for logs or bolts sold to this particular buying plant. The term "buying plant" means any sawmill, veneer factory, stave mill, or any other operation which converts logs or bolts into finished or unfinished wood or chemical products. If a company owns plants at more than one location, each plant shall be considered a separate buying plant.

The paragraphs that follow explain how to apply the general rule in figuring the ceiling price.

[Paragraph (a) as amended by Am. 18, effective 12-2-43]

(b) *How to figure grades and scale—(1) In general.* Each buying plant must use the same scaling and grading rules and practices which it used during September and October 1942. In working out the grades which it used, a buying plant should consider only the species and the physical qualities of logs and bolts (such as length, diameter, and de-

fects) which affected the prices the buying plant paid during September and October 1942. For example, if a buying plant during those two months paid the same price for all logs of a certain species, it has only one grade for this species. On the other hand, if it paid a higher price for logs 16 inches and over than for those under 16 inches in the same species, the larger logs would be one grade and the smaller logs another grade.

(2) *Combination grades.* A buying plant may buy logs or bolts on combination grades (such as "woods run"). However, the specifications of the combination grades must be the same as those used by the buying plant during September and October 1942.

(3) *Grades for logs of a kind which the buying plant did not purchase during September and October 1942.* In figuring grades for logs of a kind which a buying plant did not purchase during September and October 1942, a buying plant should use the same methods as those explained in the next paragraph for figuring average prices for these logs. That is, the buying plant should use the grades for these logs which the nearest competitive buying plant used during September and October 1942. (See subparagraph (2) of the next paragraph, "Competitor's price.") If grades for these logs cannot be figured in this manner, the buying plant should work out its own grades and send the details to the Office of Price Administration when the buying plant writes for an authorization of, or instruction to figure, an average price. (See subparagraph (3) of the next paragraph, Application to the Office of Price Administration.)

(c) *How to figure the average price.* The average price should be figured as follows:

(1) *Purchased logs and bolts.* If, during September and October 1942, the buying plant bought logs or bolts of the species and grade for which it is figuring an average price, the buying plant should add up the total delivered cost of all logs or bolts of that grade and species purchased during the two months, and divide this total by the total footage of these logs or bolts. In figuring the total cost of these logs or bolts, the buying plant is to include any charges paid for transporting the logs or bolts to the plant.

In making this calculation for logs and bolts "purchased" during September and October 1942, the buying plant is to include only the following:

(i) Logs and bolts received at the plant during September and October 1942, except those received under contracts entered into before July 1, 1942.

(ii) Such logs and bolts received at the buying plant during the period November 1, 1942, to March 1, 1943, as were obtained pursuant to a dated and written firm contract of purchase entered into by the buying plant during September or October, 1942, in which contract the prices, footages, grades and species of logs and bolts purchased were definitely stated.

[Subparagraph (1) as amended by Am. 1, 8 F.R. 5163, effective 4-23-43]

(2) *Competitor's price.* If, during September and October 1942, the buying plant did not buy logs or bolts of the species and grade for which it is figuring an average price, the buying plant should use the average price arrived at by the nearest competitive buying plant. A buying plant cannot use as a competitor a plant which is more than 50 miles away or which is engaged in a different kind of business. For example, a veneer factory is not a competitor of a sawmill, but is a competitor of another veneer mill located not more than 50 miles away. A buying plant must tell its average prices to a competitor upon request.

(3) *Application to the Office of Price Administration.* If an average price for logs or bolts of any grade or species cannot be figured under either of the two methods explained above, the buying plant should write a letter to the Lumber Branch, Office of Price Administration, Washington, D. C. The letter should give the name of the species and a full description of the grade. The Office of Price Administration by letter or telegram will authorize, or instruct how to figure, an average price for the species and grade in question.

(d) *Using average prices as maximum prices.* The average prices for September and October 1942 are the maximum prices for logs or bolts delivered by the seller to the buying plant. This means that the seller cannot add to the maximum prices any charge for hauling logs or bolts to the buying plant.

(e) *Reduction of maximum prices when the seller does not make delivery to the buying plant.* If the buying plant takes delivery of logs or bolts away from the plant, the maximum price must be reduced by the amount which it costs the buyer to bring the logs or bolts to the plant.

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

SEC. 4. Posting, advertising and filing maximum prices—(a) Posting maximum prices. Every buying plant must display in a manner plainly visible to, and understandable by, log and bolt sellers, the maximum prices permitted under this regulation. The display shall be headed "Our Ceiling Prices for Buying Logs and Bolts"; and shall list the species, a full and complete description of all the grades, and the maximum price for each species and grade. Also, the display must be dated and include the following notations:

(1) These are the ceiling prices for logs and bolts delivered to our plant located at ----- For logs and bolts not delivered to the plant, these ceiling prices must be reduced by our cost of bringing the logs and bolts to the plant.

(2) The Federal law prohibits our paying higher prices and makes it illegal for anyone to charge us higher prices. Our purchases are subject to inspection by Federal officials. A copy of this notice has been filed with the Federal Government.

⁵ If a buying plant does not purchase bolts, the word "bolts" may be omitted.

(b) [Deleted]

[Paragraph (b) deleted by Am. 18, effective 12-2-43]

(c) *Filing maximum prices.* A copy of the notice or handbill required in the above paragraph (a) must be filed with the Lumber Branch, Office of Price Administration, Washington, D. C.

(d) *Time limit.* The things required in this section must be done before April 23, 1943, except that in the case of the posting required by paragraph (a), plants which filed a petition under section 9 or letters of intention need not comply with that requirement until the expiration of the suspension period provided in that section. Likewise, when specific maximum prices are established by the publication of appendices to this regulation, the prices so established need not be posted as to the grades and species covered in such appendices. In any case, the publishing of specific maximum prices does not remove the requirement that the September-October, 1942, maximum prices of each plant be filed with the Lumber Branch as set forth in paragraph (c) above.

[Paragraph (d) amended by Am. 3, 8 F.R. 6356, effective 5-19-43 and Am. 18, effective 12-2-43]

SEC. 5. *What the invoice or billing must contain.* (a) All invoices and billings of logs or bolts must contain a sufficiently complete description of the logs or bolts covered to show whether the price is proper or not. This means that the invoices and billings must show the species (or that the sale was of a "mixed species"), the grade (or that the sale was of a combination grade), the net footage and the price of the logs or bolts purchased or sold. In addition, the invoices and billings must show to what place the seller delivered the logs or bolts, the date of sale, and the name and address of the buyer and seller.

(b) Any part of the information required on the invoice may be furnished in a tally sheet attached to and made part of the invoice.

(c) An invoice or billing may cover all logs or bolts delivered by the seller to a purchaser during a period of not more than two weeks.

(d) Either the buyer or seller may prepare the invoice or billing, but both have the responsibility for correct invoicing or billing.

(e) Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

SEC. 6. *Records.*—(a) *Billings and invoices.* All invoices and billings must be made with two copies. Each buyer and seller must keep, as a record, one copy of all invoices and billings covering the logs or bolts purchased or sold. These must be kept for two years, for inspection by the Office of Price Administration.

(b) *Purchase records for September and October 1942.* Every buying plant must keep all records available on March 23, 1943, of purchases of logs and bolts during September and October 1942.

These must be kept until April 1, 1945 for inspection by the Office of Price Administration.

SEC. 7. *Prohibited practices.*—(a) *In general.* Any practice which gets the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific prohibited practices.* The following are among the specific practices prohibited:

(1) Upgrading, up-scaling, or allowing a greater net scale footage than the actual scale content of the logs or bolts.

(2) Increasing the price of logs or bolts by failing to make an effort in good faith to collect advances to loggers. An advance to a logger is to be considered as part of the price of the logs or bolts to be supplied by the logger.

(3) Adding to the maximum prices, a charge for grading, scaling, or inspection.

(c) *Service commissions.* It is unlawful for any person to charge or receive from a buying plant, or for a buying plant to pay a commission for the service of procuring, buying, selling or locating logs or bolts, or for any related service (such as "expediting") which does not involve actual physical handling of logs or bolts, if the commission plus the purchase price results in a total payment by the buying plant which is higher than the maximum price of the logs or bolts. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the logs or bolts in connection with which the service is performed.

(d) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Paragraph (d) amended by Supplementary Order No. 50, 8 F.R. 10568, effective 7-27-43 and Am. 1 thereto, 8 F.R. 14310, effective 10-26-43]

(e) *Credit terms.* The maximum price cannot be increased for the extension of credit. The maximum price does not have to be reduced where the buyer purchases on cash terms.

(f) *Purchases of stumpage and payments to loggers.* It is a violation of this regulation for a buying plant to purchase stumpage and contract for the seller to cut the stumpage, if the total amount paid by the buying plant for the stumpage and the logging is higher than the maximum price fixed by this regulation.

In all cases payments for contract logging are controlled by the General Maximum Price Regulation or any amendment or revision of that regulation.

SEC. 8. *Applications for adjustment and petitions for amendment.*—(a) *Government contracts.* (1) The term "government contracts" is here used to mean any contract with the United States or any of its agencies, or with the government or any government agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled, "An Act to Promote the Defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that the maximum price established in this regulation is impeding or threatens to impede production of logs or bolts which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,¹ issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1² issued by the Office of Price Administration.

[NOTE: Supplementary Order No. 23 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 9. *Establishment of dollars-and-cents prices by areas.*—(a) *Petition for "area pricing."* Any group of four or more buying plants, of any kind, may petition the Lumber Branch of the Office of Price Administration in Washington, D. C., to establish a system of dollars-and-cents prices by grades, sizes, and species for buying plants in an area of at least 400 square miles which contains at least five buying plants. The petition must relate to all grades, sizes, and species of logs and bolts bought by plants in that area, of the kind joining in the petition, and must request establishment of a system of ceiling prices applicable to all buying plants in the area. Two copies of the petition must be filed.

¹ If a buying plant does not purchase bolts, the word "bolts" may be omitted.

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

(b) *Contents of petition.* The petition must contain:

(1) A description of the exact boundaries of the area, and the reasons for the boundary lines chosen; that is, the reasons why the particular area constitutes a market area in which a single pricing system should prevail.

(2) Copies of the notices of maximum prices of the petitioning plants.

(3) A proposal of uniform grades with detailed specifications, uniform scaling rules, and a dollars-and-cents ceiling price system; and a comparison of these with the average prices, and the grades and rules prevailing in the area during the period September-October 1942. The system proposed may contain price differentials within the area, based on differences in transportation rates, which will prevent diversion of logs as between buying plants in the area.

(4) A showing that the proposed prices will not cause diversion of logs or bolts away from buying plants in either this area or elsewhere.

(c) *Notice and hearing.* On receipt of a petition showing a proper case for the consideration of area pricing, the Office of Price Administration will send notices of the proposed prices, grades and scaling rules and area boundaries. These will be sent to all buying plants in and within 25 miles of the area whose purchases may be affected by the proposal and whose maximum prices have been filed under section 4 (c) of this regulation. Within 20 days of the date of this notice, any person affected may submit objections to the Lumber Branch, Office of Price Administration, Washington, D. C. If there is any substantial volume of objection, the Office of Price Administration may hold a hearing on the proposal.

(d) *Action on petition.* The Price Administrator, if he believes the facts submitted justify such action, will establish a system of dollars-and-cents ceiling prices and uniform grades and scaling rules for all buying plants in an appropriate area. The ceiling prices so established will be at a level which bears a proper relation to the prices of competing primary forest products, and which will not cause diversion to or away from other purchasers of logs and bolts. The Price Administrator may depart from the original proposal, establish price differentials within an area, or set up a system based on seller's prices for logs and bolts produced within a specified area, if necessary or proper to make the action fair and equitable and to prevent diversion. In considering requests for area pricing, the Price Administrator may consolidate petitions dealing with areas that are near each other. When a system of area pricing is approved, the prices, grades, scaling rules, and a description of the area will be published as an appendix to this regulation.

(e) *Temporary suspension of ceiling prices.* In the case of any proper petition under this section filed before June 23, 1943, the petitioners have the privilege of having the operation of ceiling prices suspended on logs and bolts delivered to the petitioners during the forty-five days immediately following

the filing. This privilege can be exercised by stating in the petition that the petitioners are exercising the option of having ceiling prices temporarily suspended in sales to, and purchases by, the petitioners. The privilege can be used only by buying plants that join in and sign the petition.

Petitioners who are in good faith preparing a petition but who wish to start the forty-five day period of exemption running before the completion of the petition, may do so by filing, instead of the petition, a letter stating that a petition is in preparation and giving an outline of the proposed area and plan. In any case, the total exemption period will not be more than forty-five days from the filing of the letter, regardless of when the petition is filed.

If the petitioners exercise the privilege, each petitioning buying plant must attach to its posted ceiling purchase prices a notice stating "Our ceiling prices for purchasing logs and bolts have been officially suspended until _____" (Fill in the date which is 45 days from the date on which the petition was filed.) A similar notice must be sent to all log and bolt suppliers of each petitioner.

The suspension periods provided under this paragraph may be extended by the Lumber Branch, Office of Price Administration, on a showing that a petition is being prepared but that forty-five days is not sufficient time within which to complete the petition. Applications for such extensions may be filed by any plant which has filed a letter of intention to file a petition and must list the names of the other mills with which it is joining in the proposed petition and must indicate the particular area. The Lumber Branch may grant or deny the request for extension either by letter or telegram, and can, on its own motion, extend the suspension period in any case in which it appears that administrative action cannot be completed before the expiration of the suspension period.

[Above paragraph added by Am. 3, 8 F.R. 6356, effective 5-19-43]

(f) *Inclusion of contract logging and stumpage proposals in petition.* A petition for area pricing may include a proposal for a ceiling price system for contract logging and stumpage. When this is done, temporary suspension of ceiling prices set out in the preceding paragraph

(e) may be granted by the Lumber Branch, Office of Price Administration, on the ceiling prices on contract logging established by any regulation, provided conditions of paragraph (e) are met and the following conditions are established by the letter of intent or petition:

(1) The supply of the service is required to meet military or essential civilian needs and cannot be obtained at the March 1942 level of prices.

(2) It is impracticable to adjust the maximum price for the service under the adjustment provisions of Maximum Price Regulation No. 165.*

* 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13472.

(3) The need is so urgent that action cannot be delayed pending preparation and consideration of the proposal.

An area pricing petition may be submitted for contract logging or stumpage apart from log purchases, in any case in which the petitioners show that they do not buy logs. The petition must be filed not later than August 14, 1943 to obtain the benefit of the suspension. Since pulpwood is not subject to this regulation, proposals on contract logging of pulpwood may be filed under this section only where the pulpwood is cut in conjunction with some other forest products.

[Above paragraph as amended by Am. 6, 8 F.R. 10023, effective 7-16-43]

Notwithstanding the above provisions, contract logging service remains subject to Maximum Price Regulation No. 165 and the proposal will be processed under that Regulation or Supplementary Service Regulation No. 16.*

[Paragraph (f) added by Am. 4, 8 F.R. 8751, effective 6-23-43]

(g) *General suspensions.* In any case where areas or types of wood not previously covered are made subject to this regulation, the Lumber Branch may grant temporary suspensions of the ceiling for not to exceed sixty days from the time the new item is included in the regulation, regardless of whether a petition or letters of intent have been filed.

[Paragraph (g) added by Am. 7, 8 F.R. 11214, effective 8-10-43]

[Sec. 9 amended by Am. 1, 8 F.R. 5163, effective 4-23-43, and as otherwise noted]

SEC. 10. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 10a. *Licensing.* The provisions of Licensing Order No. 1,¹⁰ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 10a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

ARTICLE II—SPECIFIC MAXIMUM PRICES

Regardless of any other provisions of this regulation, every sale or purchase of logs and bolts of the type and species listed produced in the areas described

* 8 F.R. 8750, 9386, 10433.

in the following tables, are subject to the dollars-and-cents maximum prices listed in those tables. Where grades of particular types of logs are established, any log falling below the minimum requirements of the lowest grade of that log must be culled out and unless a cull grade is specifically established and priced, no charge may be paid or received for those culls.

TABLE OF APPENDICES

PART I—LOGS AND BOLTS (EXCLUDING THE SPECIAL ITEMS LISTED IN PART II)

| Area | Appendix | States included |
|----------------------------|----------|--|
| Northeast..... | A | Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut; New York; New Jersey; Pennsylvania; Maryland (except Garrett, Allegany, Washington and Frederick Counties); Delaware; District of Columbia. |
| Appalachian... | B | Garrett, Allegany, Washington and Frederick Counties, Maryland; Virginia; West Virginia; North Carolina; South Carolina; all counties of Kentucky east of and including the counties of Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne and Clinton; in Tennessee east of and including the counties of Pickett, Fentress, Morgan, Roane, Rhea, Hamilton; and Rabun, Habersham, White, Lumpkin, Union, Fannin and Towns Counties, Georgia. |
| Southern..... | C | Georgia (except the counties of Rabun, Habersham, White, Lumpkin, Union, Fannin and Towns); Florida; Mississippi; Alabama; Louisiana; Arkansas; Texas; and Oklahoma. |
| Lake States... | D | Michigan; Wisconsin; Minnesota; North Dakota; South Dakota. |
| Central..... | E | Ohio; Indiana; Illinois; Iowa; Kansas; Missouri; all counties in Kentucky west of all but not including the counties of Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton; and all counties in Tennessee west of but not including the counties of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton. |
| Western and Pacific States | F | Montana; Idaho; Wyoming; Colorado; Utah; Nevada; Arizona; New Mexico; California; Oregon and Washington. |

[Table amended by Am. 18, effective 12-2-1943]

PART II—SPECIAL ITEMS

| Type of wood: | Appendix |
|--|----------|
| Chemical wood..... | G |
| Chestnut cordwood..... | H |
| Excelsior bolts..... | J |
| Insulation and felt bolts or cordwood..... | K |
| Stave and heading bolts..... | L |
| Ash special logs..... | M |
| Hickory special logs..... | N |
| Walnut special logs..... | O |

[NOTE: Appendices A and B will be added by future amendments.]

APPENDIX C—SOUTHERN AREA

TABLE 1

Area: Alabama, the counties of Baldwin, Choctaw, Clarke, Conecuh, Marengo, Mobile, Monroe, Washington and Wilcox; Mississippi, the counties of Clarke, George, Greene and Wayne.

The area is divided by zones as follows:

Zone 1: Alabama—Baldwin and Mobile counties and those portions of Washington, Clarke and Monroe counties south of Town-

ship line between Townships 5 North and 6 North; Mississippi—All of George and Greene counties.

Zone 2: All of Conecuh county, the remainder of Washington, Clarke and Monroe counties north of Township line between Townships 5 North and 6 North, and that portion of Choctaw county which is south of the Township line between Township 11 North and Township 12 North; Mississippi—All of Wayne county.

Zone 3: Alabama—that part of Choctaw county which is north of the Township line between Township 11 North and Township 12 North, and the entire counties of Marengo and Wilcox; Mississippi—All of Clarke county.

Species covered: All commercial trees of the following species—Cypress (*Taxodium distichum*), Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), Tupelo Gum (*Nyssa aquatica*), Beech (*Fagus grandifolia*), Sycamore (*Platanus occidentalis*), Hackberry (*Celtis occidentalis*), Shortleaf Pine (*Pinus echinata*), Longleaf Pine (*Pinus palustris*), Slash Pine (*Pinus caribaea*), Loblolly Pine (*Pinus taeda*), and all other southern pine species of the genus *Pinus*. Also all commercial species of the following genera: Oak (*Quercus*), Magnolia (*Magnolia*), Cottonwood (*Populus*), Maple (*Acer*), Basswood (*Tilia*), Willow (*Salix*), Elm (*Ulmus*), Hickory and Pecan (*Hicoria*), Ash (*Fraxinus*) and any other commercial hardwood species found in the area.

Scaling and grading rules: All logs are to be scaled according to the Doyle Log Rule, measured at the small end of the log. All pine logs are to be measured in the narrow way from inside of one bark to outside of the other bark, with all fractions of an inch counted back to the next lower figure. Hardwood logs are to be measured the narrow way inside of the bark with all fractions of an inch being counted back to the next lower figure.

All logs 24 feet and over in length shall be computed as if cut into separate logs 16 feet long, beginning at large end; diameter at small end of each such supposed log shall be determined by calipering, with $\frac{1}{2}$ inc and fractions thereof deducted for bark in the case of pine logs and 1 inch and all fractions deducted in the case of hardwood logs. If fraction at small end remaining after successive 16-foot measurements is less than 8 feet,

it shall be treated as part of the adjoining 16-foot log and the entire log measured as based on diameter at small end; each such fraction 8 feet and over shall be measured as a separate log.

All logs are to be cut to even lengths (i. e., 10, 12, 14, 16, ft., etc.) unless otherwise specified by the buyer, plus at least 4 inches over length to allow for trimming. Any logs not meeting this requirement shall be measured as of the next lower even length. Not more than 10% of a given lot of logs may be shorter than 12 feet in length and at least 50% must be from 14 to 16 feet long. If more than 10% of the logs are below 12 feet, the excess must be priced as cull logs.

The minimum diameter limit for each species is indicated in the price tables listed below. Woods run grade includes the entire product of the forest of the specified species or group of species with all culls excluded.

A cull is considered as a hardwood log which contains less than a one-half section with two-thirds or more cuttings of clear (free of all defects) wood and cuttings 2 feet and longer and extending around the respective half of the log. Also, a cull log is any log which has to be reduced in scale as provided under "deductions for measurements" to where its net measurement is less than 60 per cent of its total measurement, provided its net measurement is less than 100 board feet, log scale.

Deduction from measurement: All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in falling by drawn splinters and crooks. Also, all rotten, damaged or wormy sap must be measured off.

Maximum prices

The prices herein established will prevail for the purchase of logs produced in the zones described. The base price depends upon the area from which the logs originate and not where they are delivered. The maximum prices will prevail for all buying plants purchasing logs in those zones whether or not the buying plants are located in the zone.

Zone 1: The maximum prices for each species and size shall be \$1.00 per M higher than the maximum prices established for Zone 2.

Zone 2: Maximum prices per thousand feet, log scale.

| | Woods run 10' and up | Woods run by size classes | | | |
|--|----------------------|---------------------------|------------|------------|----------------|
| | | 10' to 15' | 16' to 19' | 20' to 23' | 24' and larger |
| Cypress..... | \$21.00 | \$19.00 | \$24.00 | \$28.00 | \$32.00 |
| Oak (except overcup oak) Magnolia, Poplar, all Gums, Tupelo..... | 21.00 | 17.00 | 21.00 | 24.00 | 27.00 |
| Cottonwood, Sycamore, Beech, Maple, Overcup Oak, Basswood, Willow..... | 18.00 | 15.00 | 18.00 | 21.00 | 24.00 |
| Elm, Hackberry, Pecan, Hickory, other Hardwoods..... | 16.00 | 12.00 | 16.00 | 19.00 | 22.00 |
| Ash..... | 24.00 | 19.00 | 27.00 | 34.00 | 44.00 |

Shortleaf Slash and Loblolly Pine Woodsrun 8" and up \$22.00.

Longleaf Pine Woodsrun 8" and up \$25.00.

Dense Shortleaf, Logs 15" and larger which measure 16 to 20 feet long \$24.00.

Dense Shortleaf, Logs 15" and larger which measure 22 to 29 feet long \$26.00.

Dense Shortleaf, Logs 15" and larger which measure 30 feet and longer \$30.00.

Longleaf, Logs 15" and larger which measure 16 to 20 feet long \$28.00.

Longleaf, Logs 15" and larger which measure 22 feet and longer \$30.00.

Zone 3: The maximum prices for each species and size shall be \$1.00 lower than the maximum prices established for Zone 2.

General provisions: 1. The above prices will prevail either delivered to a railroad landing or on the bank adjacent to navigable waters placed in good condition for loading or delivered to a buying plant by truck or wagon.

2. The base price applies for logs delivered to the nearest shipping point or mill closest to the source of supply. If delivered to any mill or shipping point greater than 4 air miles beyond nearest mill or shipping point, an additional \$1.00 per M may be paid, except that this shall not apply from any point where there is located a mill which is buying the respective kind and species of log.

3. The buyer may furnish the wire used in loading gunboats or rafting.

4. Duplicate invoice covering every purchase of logs amounting to over 5,000 board feet log scale shall be mailed promptly to the Regional OPA office at Atlanta, Georgia. This invoice should contain sufficiently detailed information pertaining to species of logs purchased, volumes by size classes, transportation allowances, location of logging operation, and location of site where delivery is made. Upon notification by Administrator any lot of logs shall be held at its current location for inspection or measurement. The buyer is not obligated to hold logs longer than 2 weeks if damage to logs would occur thereby.

5. Logs may be sold and purchased throughout the area on the basis of any grouping or classification which is listed above; however, the basis of sales must be agreed on before the logs can be scaled or computed, and logs may not be sold or purchased under an agreement that the most advantageous basis will be determined after the logs are scaled and computed. Similarly logs can not be scaled as woodsrun all size classes, if any previous selection has been made.

6. If logs are sold loaded on cars or on gun boats or rafted, an addition not to exceed \$2.00 per thousand board feet may be paid. If bought delivered to buying plant by water an addition of \$2.00 plus the actual cost of towing may be paid.

7. In the event that logs are scaled by an independent scaler, not affiliated with buyer or seller, the buyer may pay for the scaling.

8. If the buyer takes delivery at some place other than on a river bank, railroad siding or at his plant, the maximum prices must be reduced by the lower of the following:

1. The cost to the buyer of trucking logs to the closest rail siding or barge landing.

2. The cost to the buyer of trucking logs to his plant.

9. The above prices for ash and hickory will prevail for ash and hickory logs purchased in conjunction with other species and not on an individual selected basis.

10. For Gum logs selected for the cutting of commercial veneer, the buyer may add \$5.00 per thousand board feet log scale to the above prices for tupelo gum and \$2.50 per thousand for other Gums.

[Appendix C, Table 1 added by Am. 14, 8 F.R. 15837, effective 11-26-43]

TABLE 2

Area: The State of Florida.¹

Species: All merchantable species of timber found in Florida including: Cypress (*Taxodium distichum*); Poplar (*Liriodendron tulipifera*); Sweet Gum (*Liquidambar styraciflua*); Black Gum (*Nyssa sylvatica*); Tupelo Gum (*Nyssa aquatica*); Shortleaf Pine (*Pinus echinata*); Longleaf Pine (*Pinus palustris*); Loblolly Pine (*Pinus taeda*); Slash Pine (*Pinus caribaea*); all other pines of the genus *Pinus*; all Ash species of the genus *Fraxinus*; all Magnolia species of the genus *Magnolia*; all Maple species of the genus *Acer*.

Scaling Rules

1. Logs shall be scaled with the Doyle Rule with the diameter measured at the small end of the log inside the bark at the smallest diameter.

2. Logs between 24 and 30 feet in length are to be scaled as two logs in that one-half of the log is to be measured at the small end, and the other one-half is to be calipered

in the center of the whole log with one inch deducted for bark. On logs longer than 30 feet, the log shall be treated as containing a series of segments of not less than 12 feet each starting from the small end; each segment shall be calipered at the small end with deduction for bark as stated above.

3. On diameter measurements, fractions of an inch below $\frac{1}{2}$ inch shall be counted back to the next lower diameter inch, while fractions of an inch above $\frac{1}{2}$ inch shall be raised to the next higher inch. (Thus a log 14.4 inches is considered 14" and 14.6 inches would be 15"). If the fraction is exactly $\frac{1}{2}$ inch, it shall be counted as of the nearest even inch. (Thus 13 $\frac{1}{2}$ " shall be counted as 14" and 14 $\frac{1}{2}$ " should also be counted as 14").

4. Logs are to be scaled in standard foot lengths, plus at least 4" overlength to allow for trim on logs 8 feet and longer and at least 2" overlength to allow for trim on lengths below 8 feet. If the trim allowance is not included in the length of the log, it shall be scaled at the next lower standard length.

5. All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement includes hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, and crook.

Grading Rules

The grade specifications for the No. 1 grade are the minimum requirements for that grade. All logs better than the No. 1 grade definition are included in that grade with the exception of those logs covered by Maximum Price Regulation 313.

No. 1 grade: Minimum diameter 12 inches, minimum length 10 feet. Logs 12 inches to 15 inches in diameter must be clear of all visible defects.

Logs 16 inches to 23 inches in diameter must have at least 3 clear faces or have at least 75 percent of the length clear in one continuous section.

Logs 24 inches and over in diameter must have at least 2 clear faces or have at least 50 percent of the length clear in one continuous section.

NOTE: Sound sucker knots less than 2 inches in diameter will not be considered as a defect. A "sucker knot" shall be considered as a knot originating from the bark and which does not enter into the main cutting cylinder of the log; also known as "pin knots" and "water sprouts". A rot or dote in the center of the log up to 4 inches in diameter is permitted for logs over 24 inches in diameter, up to 3 inches in diameter for logs over 16 inches to 23 inches, and up to 2 inches diameter for logs 12 inches to 15 inches will not degrade the log, but full deduction for the defect must be made when scaling the log.

No. 2 grade: Minimum diameter 8 inches, minimum length 10 feet. This grade shall include all sound logs above the specified diameter limits that are better than a cull and that do not grade as a No. 1 log.

A cull log shall be considered as any log where the net board foot scale after deductions have been made for defects, is less than 50 percent of the gross board foot scale.

Woods run grade shall consist of the entire product of the forest exclusive of culls. This grade is to contain the full amount of good logs which the standing timber will produce, from which no large or high grade logs have been separated.

If any selection of high quality logs has been made the purchase price shall be either on a grading basis or for the price established for a No. 2 grade of log.

No. 1 veneer blocks: Minimum diameter 12 inches, minimum length to be specified by buyer.

Veneer blocks 12 inches to 15 inches in diameter must be sound and clear of all visible defects.

Veneer blocks 16 inches to 23 inches in diameter must be sound and can have not more than one sound knot 3 inches or less in diameter.

Veneer blocks over 24 inches in diameter must be sound and can have not more than 2 sound knots 3 inches and under in diameter.

Sawmill blocks: To be measured on the basis of a cord of 128 cubic feet; minimum diameter 6 inches; minimum length of block 48 inches.

Maximum Prices

[Logs (per thousand ft., log scale)]

| Species | No. 1 grade and better | No. 2 grade | Woods Run Grade | No. 1 Veneer Blocks |
|----------------------------|------------------------|-------------|-----------------|---------------------|
| Gum | \$32.50 | \$18.00 | \$25.00 | \$30.00 |
| Cypress ¹ | 30.00 | 18.00 | 25.00 | 27.50 |
| Ash | 32.50 | 18.00 | 25.00 | 30.00 |
| Maple | 32.50 | 18.00 | 25.00 | 30.00 |
| Poplar | 32.50 | 18.00 | 25.00 | 30.00 |
| Magnolia | 32.50 | 18.00 | 25.00 | 30.00 |
| Longleaf Pine ² | 32.50 | 19.00 | 27.00 | 30.00 |
| Other Pine | 30.00 | 18.00 | 25.00 | 27.50 |
| Other Species | 32.50 | 19.00 | 27.00 | 30.00 |

¹ Cypress woods run logs may be purchased on the basis of size classes at a rate not in excess of those listed below:

8 inches to 10 inches diameter, \$18.00 per M' log scale.
11 inches to 14 inches diameter, \$20.00 per M' log scale.
15 inches to 19 inches diameter, \$25.00 per M' log scale.
20 inches to 24 inches diameter, \$30.00 per M' log scale.
25 inches to 29 inches diameter, \$35.00 per M' log scale.
30 inches and up, \$40.00 per M' log scale.

² Longleaf Pine woods run logs may be purchased on the basis of size classes at a rate not in excess of those listed below:

8 inches to 10 inches diameter, \$22.00 per M' log scale.
11 inches to 12 inches diameter, \$25.00 per M' log scale.
13 inches to 14 inches diameter, \$30.00 per M' log scale.
15 inches to 16 inches diameter, \$33.00 per M' log scale.
17 inches and up, \$35.00 per M' log scale.

Sawmill blocks:

Pine, \$7.30 per cord of 128 cubic feet.
Hardwoods, \$7.80 per cord of 128 cubic feet.
Cypress, \$8.30 per cord of 128 cubic feet.

³ The tables in this appendix establish maximum prices based on the cubic content of a unit or cord of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.

| If the size of unit priced in table is— | If unit sold contains following cubic footage, adjust prices by percentage shown below | | | | |
|---|--|--------|--------|--------|--------|
| | 128 | 138 | 144 | 160 | 180 |
| 128 cubic feet | ----- | +7.8% | +12.5% | +25.0% | +40.6% |
| 138 cubic feet | -7.2% | ----- | +4.3 | +13.9 | +30.4 |
| 144 cubic feet | -11.1 | -4.2 | ----- | +11.1 | +25.0 |
| 160 cubic feet | -20.0 | -13.75 | -10.0 | ----- | +12.5 |
| 180 cubic feet | -28.9 | -23.3 | -20.0 | -11.1 | ----- |

These prices are to prevail for logs f. o. b. railroad cars and for logs delivered to the mill by truck.

Logs may be sold or purchased throughout the area on the basis of any grouping or classification which is listed above. However the basis of the sale must be agreed on before the logs can be scaled or computed, and logs must not be sold or purchased under an agreement that the most advantageous basis will be determined after the logs are scaled and computed.

Any undersized log either in respect to diameter or length, not specifically covered above can be paid for at two-thirds of the No. 2 grade price, by paying only for the net usable contents.

¹ The prices herein established cover all logs and veneer and sawmill blocks produced in Florida. Any other type of wood under this Regulation and produced in Florida is subject to maximum prices at the September-October 1942 level as set forth in section 3.

The prices herein will pertain for the purchase of logs produced in the area described above and will prevail for all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

[Table 2 added by Am. 15, 8 F.R. 15838, effective 11-26-43]

APPENDIX D—LAKE STATES AREA

TABLE 1

Area: Wisconsin and the upper peninsula of Michigan.

Species: All commercial species including Hard Maple (*Acer saccharum*), Soft Maple (*Acer rubrum* and *Acer saccharinum*), Yellow Birch (*Betula lutea*), White Birch (*Betula populifolia*), Red Oak (*Quercus borealis*), Beech (*Fagus grandifolia*), the commercial species of the Genera Basswood (*Tilia*), Elm (*Ulmus*), Ash (*Fraxinus*), Populus including Popple (Aspen), Balm of Gilead, and Cottonwood; White Pine (*Pinus strobus*), Norway Pine (*Pinus resinosa*), Jack Pine (*Pinus banksiana*), Balsam Fir (*Abies balsamea*), Northern White Cedar (*Thuja occidentalis*), White Spruce (*Picea glauca*), Black Spruce (*Picea mariana*), Hemlock (*Tsuga canadensis*), and Tamarack (*Larix laricina*).

Grading Rules

Logs must be purchased and sold on one of the following grades or combination of grades as a basis for pricing:

1. Separate grades as defined in the following log grading rules.

2. Woods-run—This grade includes all the logs of a single species cut from a given area that qualify for a #3 grade or better.

3. Woods-run with #1 or veneer sorted out—This represents a grade combination of all the #2 and #3 logs from a given area and permits of no previous sorting of logs below the grade of #1 veneer. It permits the sale of logs without grading where lack of facilities prevents this operation.

[Paragraphs headed "Grading Rules" as amended by Am. 18, effective 12-2-43]

Hardwood Logs

No. 1 or Veneer Grade. 1. All logs must be 12" and larger in diameter the small way of the small end, except that 11" surface clear logs will be accepted if 12" or longer in length. Standard lengths are 10, 12, 14, and 16'; occasional 6, 7, 8, and 9 foot logs will be accepted, adding 4" to all logs 16" in diameter and over and 3" to logs under 16" in diameter for trimming. Yellow Birch and Hard Maple Veneer logs may be cut to the following specified lengths at the option of the purchaser: 5'6", 6'6", 7'6", 8'6" which includes trim. All logs must be reasonably straight grained, with spiraled grain ordinarily not exceeding one inch in 10 inches.

2. Knots, worm holes, shake, "cat faces", dead and dozy spots, seams (except as specified herein), and so-called "birds pecks" brown spots, pin-holes and pin-knots shall be considered standard defects. Maple logs having more than 1/2 the diameter of the small end in black heart or heavy mineral stain must be excluded from this grade.

3. Logs 12 to 14 inches in diameter can have a 3 inch hole, doze, or shake, in center, 15 to 16 inch logs can have, not to exceed a 5 inch hole, doze or shake in center, and over 16 inch logs, a 6 inch hole, doze, or shake in center, provided that logs with holes, doze or shake greater than the allowable size will be accepted if such defects will be reduced to the allowable size by deducting 2 feet of length in scaling.

4. Logs 15 inches and under in diameter must have no seams. Logs over 15 inches in diameter may have one straight tight seam not diverging more than 4 inches from a

straight line from end to end which shall be considered a defect.

5. 10 foot logs must not have over one standard defect; 12 foot logs must not have over two standard defects; 14 and 16 foot logs must not have over three standard defects. Any number of defects so located that they can be cut out with one lineal foot deduction in scaling shall be considered as one defect. These logs must have at least one-half of their length in one clear cut.

6. 6 and 7 foot logs must be surface clear. 8 and 9 foot logs will permit one defect if not more than 10" from the end. These short logs, particularly small logs, should be practically straight and in no case should there be more sweep in logs 9' and shorter than 1/4 of the diameter of the small end of the log, when measured above the butt swell. The percentage of those short logs that will be acceptable should be agreed upon between the purchaser and the seller.

7. Any defect in butt logs which does not extend inside the diameter represented by the small end will not be considered a defect in grading the log. Folds, fluted bark on butts, or shallow scars are examples of such defects.

8. In scaling defective logs, scale off one foot in length for each defect, unless the defects are so located that in cutting out one foot, it eliminates two or more defects. In that event, count the two or more defects as one. Logs with crotch tops, kinks, or crooks, are to be cut out in scale to eliminate the defects. No deductions in scaling will be made for defects admitted in paragraphs 3, 4, 5 and 6.

No. 2 log grade. 1. Lengths 8 feet or longer; diameters 10 inches or larger. 10" logs must be butt logs and surface clear for all species except basswood. Logs 10' long, 11" or larger, and including basswood 10" or larger, must have not less than two-thirds of each of three faces clear in not over two cuttings per face. Logs 12 feet or longer will admit not over three cuttings per face on each of 3 faces. Cuttings must be 3 feet or longer. The proportion of 8' logs allowed will be a matter of agreement between buyer and seller.

2. Logs 10"-15" with black heart, heavy mineral stain, or other end defects amounting to one-half or more of the average diameter on the small end, and logs, 16" and over with black heart, heavy mineral stain, or other end defects amounting to 60% or more of the average diameter on the small end will not be admitted in this grade.

3. Logs containing sweep or crook, or both, which cause a deduction of 30% or more from gross scale or sweep in conjunction with end defect in excess of 1/4 of the diameter on the small end that causes deduction in excess of 20% of the gross scale shall be eliminated from this grade.

4. Any defect in butt logs which does not extend inside the diameter represented by the small end will not be considered a defect in grading the log. Folds, fluted bark on butts, or shallow cat faces are examples of such defects.

5. No logs admitted with net scale less than 50% of gross scale.

No. 3 log grade. 1. Lengths 8' or longer; diameters 8" or larger, which do not qualify for No. 2 grade; logs below 10" must be surface clear and straight. The proportion of 8' logs allowed will be a matter of agreement between the buyer and seller.

2. No logs admitted with net scale less than 50% of gross scale.

Aspen and Softwood Logs

White pine log grades—Prime grade. 1. Logs must be 16" or larger, 10' or longer, and with deduction for defect not over 30% of gross scale.

2. Logs must be at least 75% clear on each of the three faces.

3. All knots outside clear cutting must be sound and not over 2 1/2" in size.

No. 1 Grade. 1. Logs must be 12" or larger, 10' or longer, and with a net scale after deduction for defect of at least 50% of the gross contents of the log.

2. Logs must be at least 50% clear on each of three faces or 75% clear on two faces.

No. 2 Grade. 1. Logs must be 8" or larger, 8' or longer, and a net scale after deduction for defect of at least 50% of the gross contents of the log.

Norway and jack pine, spruce, white cedar, tamarack, hemlock, balsam and aspen log grades. One grade will be recognized.

Logs must be 8" and larger, 8' and longer, and with a net scale after deduction for defect of at least 50% of the gross contents of the log.

Tie cuts. Tie cuts shall be counted by the piece. Tie cuts or bolts must be sound, green timber, free from decay, split, shakes, holes large or numerous knots or other imperfections which will impair strength or durability and must be otherwise suitable for the manufacture of railroad ties. (Dead cedar and tamarack acceptable if otherwise suitable.) Minimum diameter is 9" inside bark at the end and to be 8 or 8 1/2' long as specified. A 2" trimming allowance is required on all cuts.

Box bolts. 1. To be scaled on a face cordage basis of 8' plus trimming allowance of 4". A cord contains 133 cubic feet including trimming allowance.

2. Bolts must be 6" top and up, inside bark; 6" bolts must be perfectly straight and sound.

3. 7" and up bolts, will admit sweep and crook not to exceed 1/4 diameter of small end. Rot and excessive sweep or crook to be deducted on cordage basis. To be tightly piled and knots closely trimmed so true, or actual, cordage can be determined.

Shingle bolts. 1. To be scaled on a face cordage basis of 8' plus trimming allowance of 4". A cord contains 133 cubic feet including trimming allowance.

2. Bolts must be 8" and up; inside bark. Bolts must be straight and sound except that sweep or crook will be permitted not to exceed 1/4 diameter of small end. Rot and excessive sweep or crook to be deducted on cordage basis. To be tightly piled and knots clearly trimmed so true, or actual, cordage can be determined.

Scaling Principles

General. 1. Except as specified in the No. 1 or Veneer Grade, all logs shall be cut a minimum of 3" longer than specified lengths, and tie cuts 2" longer to allow for trimming.

2. All logs shall be scaled with Scribner Decimal C Log Rule and scaled on the average diameter of the small end inside the bark. Fractions of 1/2" or less will be dropped and fractions over 1/2" will be raised to the next inch.

3. Scaling is the measurement of sound material in the log and relates to quantity rather than quality of material. Timber will therefore be scaled in accordance with the defect in the log and not in relation to any particular grades of the product it will yield.

4. Scaling sound contents in the log rather than material of certain grades is to be the standard practice except for the No. 1 or veneer grade.

5. Softwood logs will be scaled in even lengths.

Defects to be considered in scaling. 1. Log defects include rot or any defective or waste material caused by sweep, crooks, checks, shake, seams or other features which actually reduce the amount of sound usable material in the log. The most common forms of defects which affect the yield are rot, shake, check, pitch ring, cat face, ingrown bark, and worm holes.

2. Ordinarily, sound knots and discoloration affect the quality and not the yield of the logs produced and will not be recognized as defects in scaling except in No. 1 or veneer logs. However, large clustered knots in the top logs shall be deducted for in scaling.

3. Deductions will be made for all visible defects, which will actually reduce the sound material in the log. There must, however, be an unmistakable surface or end indication of defect. The scale should never be reduced simply because the timber is known to be more or less defective, or because hidden defect frequently appears in sawing.

4. The extent of rot or other defects is to be determined by the scaler but the manner or method of deduction shall be no less rigid or exacting than those prescribed in the National Forest Scaling Handbook, Revised May 1940.¹

Log defect descriptions and definitions—
Bird peck. Bird pecks are defects resulting from the work of sap-sucking woodpeckers. The defects consist of ingrown bark usually not over $\frac{1}{2}$ inch in diameter. Often they are noticeable on the end surfaces of logs and evidence of their presence in the logs is to be seen on the bark surface many years after the injury occurred.

Dote. Dote varies all the way from firm wood that has just begun to decay up to the definitely unsound stage which is designated as rot. Dote in its early stages often differs from the surrounding wood only in color.

Worm holes. Worm holes vary greatly in size and damaging effect depending upon the kind of worm causing the defect. From pin worm holes $\frac{1}{32}$ inch in diameter they may range up to the $\frac{3}{4}$ inch holes sometimes found in oak. Although there may be no evidence of worm work where the log cut is made the bark surface on close examination will reveal the presence of interior borings. Worm holes may be extremely damaging and close examination for them is warranted.

Bumps. Bumps usually indicate overgrown knots or other defects. They should be viewed with suspicion in grading logs.

Sweep. Sweep is a fairly uniform departure in any direction from a straight line drawn from one end of the log to the other. A crook, in contrast to sweep, is a more or less definite or sharp break from such line.

Butt log. A butt log is the first log cut above the stump of the tree except where a "long butt" 8 feet or longer is cut for the purpose of eliminating defect. The first log above such long butt will be classified as second log.

Encased metal. Encased or overgrown metal is common chiefly in farm woodlot timber or in trees close to farm buildings. Especially in oak, metal causes dark staining of wood and still more serious is the possible damage to workmen, saws, or edge tools. Logs suspected of containing metal should either be long butted or rejected.

Knots. Knots vary greatly in their damaging effect depending upon their size and condition. Knots in butt and second logs of mature trees are usually overgrown and often unsound, while knots in top logs are live and sound. Considerable rot may extend from unsound knots. Where there are old limb stubs or knot holes present there is quite certain to be rot running into the heart wood.

Mineral stain. Mineral stain is a common defect of maple. It is characterized by a greenish to blackish color that occurs in varying amounts chiefly in the heartwood in the form of solid masses of discoloration or in streaks. Aside from color the objection to mineral stain is the tendency of heavily

stained wood to open up during drying. Shake is commonly associated with stain.

Shake. Shake is a separation of the wood, the greater part of which occurs between the growth rings and more commonly near the center of the log than toward the outside. It is a serious defect in both veneer and lumber logs.

Seams. Seams are cracks or splits running with the grain for part or the full length of the log. They may be caused by frost or lightning. Seams may extend all the way from the bark to the pith or center of the log. They may be open or completely healed over, but in any event they are very damaging and especially so when they run spirally around the log.

Catface. A catface is a scarred area on a log usually caused by fire or mechanical injury. Catfaces may or may not have rot extending from them. Shallow relatively fresh injuries without rot may come out in rounding up or slabbing a log and thus cause no loss in scale. Old, imperfectly healed scarred areas cause loss of scale and log degrade.

Maximum Prices

The maximum prices apply f. o. b. cars rail common carrier, or delivered to mill by truck, unless otherwise specified in this table. Where logs and bolts are purchased f. o. b. trucks, the maximum prices must be reduced by the actual cost to the purchaser of transporting the logs or bolts to his mill, or where there is a truck haul preceding a rail haul, to the rail cars (in the latter case, the expense of loading the cars must also be deducted). The Scribner Decimal C Log Rule shall govern the scale of all logs.

[Above paragraph as amended by Am. 18, effective 12-2-43]

Hardwood Logs (Per 1,000 Feet, Log Scale)

| Species | Grades | | | | |
|-------------------|-----------------|-------|-------|-----------|---------------------------|
| | Veneer or No. 1 | No. 2 | No. 3 | Woods run | Woods run with veneer out |
| Hard Maple..... | \$80 | \$29 | \$22 | \$32 | \$24 |
| Soft Maple..... | 55 | 27 | 20 | 30 | 22 |
| Yellow Birch..... | 110 | 38 | 27 | 48 | 32 |
| White Birch..... | 60 | | | 24 | 21 |
| Basswood..... | 75 | 31 | 21 | 40 | 26 |
| Ash..... | 50 | 25 | 22 | 28 | 23 |
| Soft Elm..... | 50 | 25 | 22 | 28 | 23 |
| Rock Elm..... | 35 | 24 | 22 | 28 | |
| Beech..... | 45 | 26 | 22 | 27 | 23 |
| Cherry..... | 55 | 27 | 20 | 30 | 22 |
| Cottonwood..... | 40 | 26 | 23 | 28 | 24 |
| Red Oak..... | 60 | 29 | 21 | 36 | 22 |

Aspen and Softwood Logs (Per 1,000 Feet, Log Scale)

| Species | Prime | No. 1 | No. 2 |
|-----------------|-------|-------|-------|
| White Pine..... | \$40 | \$33 | \$28 |

| Species | One grade only |
|------------------|----------------|
| Hemlock..... | \$24 |
| Norway Pine..... | 30 |
| Jack Pine..... | 26 |
| Spruce..... | 28 |
| Balsam Fir..... | 28 |
| Tamarack..... | 25 |
| Cedar..... | 20 |
| Aspen..... | 24 |

[Above tables as amended by Am. 18, effective 12-2-43]

100' Box Bolts

[Maximum prices per single cord of 133 cubic feet f. o. b. cars¹]

| Species: | |
|----------------------------|---------|
| Aspen (Popple)..... | \$10.00 |
| Jack Pine..... | 12.00 |
| Hemlock..... | 11.50 |
| White Birch..... | 10.00 |
| Basswood..... | 11.00 |
| Balm of Gilead..... | 8.50 |
| Mixed Hardwoods..... | 10.00 |
| Norway and White Pine..... | 12.50 |

100' Shingle Bolts

[Maximum price per single cord (133 cubic feet) f. o. b. trucks²]

| | |
|------------------|--------|
| White Cedar..... | \$7.50 |
|------------------|--------|

¹ A maximum addition of \$1.00 per single cord may be made to the above prices for material delivered to the buying plant yard by truck.

² For delivery to mill or landing add actual cost of delivery. For loading on cars add the actual cost of loading.

8' Tie Cuts¹

The following maximum prices for tie cuts apply to the Upper Peninsula of Michigan and to the State of Wisconsin with the exception of Vernon, Monroe, Sauk, Richland, Juneau, La Crosse, Clark, Jackson and Trempealeau Counties in the State of Wisconsin:

[Maximum Prices per piece f. o. b. cars or truck delivered mill]

| Top diameter inside bark | Species groups | | | |
|--------------------------|----------------|---|--------------------------------------|---|
| | White Oak | Hard Maple, Red Oak, Ash, Yellow Birch, Beech, Cherry | Hemlock, Elm, Tamarack, Pine, Spruce | Aspen, White Birch, Balm of Gilead, White Cedar |
| 9"..... | \$0.70 | \$0.60 | \$0.55 | \$0.50 |
| 10"..... | .60 | .80 | .67 | .57 |
| 11" and up..... | 1.05 | .95 | .83 | .75 |

¹ For 8'6" tie cuts a maximum addition of 0.10 may be made to the above prices.

8'6" Tie Cuts¹

The following maximum prices for tie cuts apply to the Counties of Vernon, Monroe, Sauk, Richland, Juneau, La Crosse, Clark, Jackson, Trempealeau in the State of Wisconsin:

[Maximum prices per piece f. o. b. cars or truck delivered mill]

| Top diameter inside bark, inches | Oak and Yellow Birch | Other species |
|----------------------------------|----------------------|---------------|
| 8.5-15.9..... | \$0.89 | \$0.76 |
| 16-18.9..... | 1.78 | 1.52 |
| 19-20.9..... | 2.67 | 2.28 |
| 21-22.9..... | 3.56 | 3.04 |
| 23-24.9..... | 4.45 | 3.80 |
| 25 and up..... | 5.34 | 4.56 |

¹ The maximum prices for 8' tie cuts shall not exceed 90% of the above prices. For example, the maximum price of an 8' oak tie cut 17" in diameter shall not exceed 1.78 x 90% = \$1.60.

[Appendix D, Table 1 added by Am. 8, 8 F.R. 12797, effective 9-24-43]

[NOTE: Appendices E and F will be added by future amendments.]

APPENDIX G—CHEMICAL WOOD

NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit or cord of the size most

¹ For sale by the Superintendent of Documents, Washington, D. C., 60¢.

usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.

| If size of unit priced in table is— | If unit sold contains following cubic footage, adjust price by percentage shown below | | | | |
|---|---|--------|-------|-------|-------|
| | 128 | 138 | 144 | 160 | 180 |
| 128 cubic feet..... | ----- | +7.8 | +12.5 | +25.0 | +40.6 |
| 138 cubic feet..... | -7.2 | ----- | +4.3 | +15.9 | +30.4 |
| 144 cubic feet..... | -11.1 | -4.2 | ----- | +11.1 | +25.0 |
| 160 cubic feet..... | -20.0 | -13.75 | -10.0 | ----- | +12.5 |
| 180 cubic feet..... | -28.9 | -23.3 | -20.0 | -11.1 | ----- |

TABLE 1—LAKE STATES

Area: Upper Peninsula of Michigan and the following counties in Wisconsin: Marinette, Florence, Forest, Oneida, Vilas, Iron, Oconto, Shawano, Langlade.

Species or Kind of Log or Bolt

Chemical Cordwood: Mixed hardwood species, including hard maple, soft maple, yellow birch, beech, oak, ironwood, rock elm.

Chemical Bolts: Maple hardwood species, including hard maple, soft maple, yellow birch, beech, oak, ironwood, rock elm.

Chemical Logs: Mixed hardwood species, including hard maple, soft maple, yellow birch, oak, beech, ironwood, rock elm.

Scaling and Grading Rules

Chemical logs: Chemical logs are cull hardwood logs, mixed species, in random lengths not exceeding 18'. Such logs must be reasonably straight, reasonably sound and must be trimmed free of all projecting stubs and crotches. Buying plants may set minimum and maximum diameters and lengths to suit individual operations. Purchase may be by Scribner log rule measure or by weight and buying plants shall make reasonable deductions for rotten or dozy wood. In no case shall the purchaser be required to accept logs with a solid wood content of less than 50% by volume. The mixed species shall include hard maple, soft maple, yellow birch, oak, ironwood, and rock elm and may include other hardwood species at the option of the buying plant.

Chemical bolts. \$21.00 per M when purchased on basis of Scribner log rule scale. \$3.00 per ton of green wood as delivered when purchased on a weight basis. \$9.00 per scaled cord when purchased on a volume basis as provided above.

Where chemical bolts produced in a secondary or salvage logging operation are sold on a weight basis delivered at Marquette, Michigan, or f. o. b. cars on the Lake Superior and Ishpeming Railroad, The Manistique and Lake Superior Railroad, The Duluth South Shore and Atlantic Railroad, or the Copper Range Railroad, the above maximum price on chemical bolts may be increased by \$0.62 per ton.

[Paragraph headed "Chemical Bolts" as amended by Am. 11, 8 F.R. 14394, effective as of 9-24-43]

Definition. As used in the preceding paragraph, a secondary or salvage operation is one in which a chemical wood jobber (pro-

ducer) is primarily engaged in producing and delivering chemical bolts to the extent of at least 75% of his total volume of forest products, from an area already cut over for other forest products or from an area with such a poor stand of timber that it cannot be logged for sawtimber. Any logger may carry on both a logging job and a salvage operation for chemical bolts: *Provided*, That in any shipment of chemical bolts so salvaged, at least 75% of the bolts shipped are below the standards of merchantability defined under Appendix D—Lake States Area, Table 1, Hardwood Logs, No. 3 log grade.

[Paragraph headed "Definition" added by Am. 11]

Chemical cordwood: Chemical cordwood is wood cut from tops, branches, bodywood or second growth of mixed hardwood species either in the round or split or a mixture of round and split wood. The pieces of cordwood shall be approximately 52 inches long, 3 inches minimum diameter and eight inches maximum diameter but each buying plant may fix limits of lengths and diameter to suit individual operations provided such limits are reasonably close to the above figures. Pieces of cordwood shall be sound wood reasonably straight and shall be piled in a compact manner. Purchase may be by volume (a cord is a pile of pieces approximately 52' long and piled 8' long and 4' high), or by weight on a green or dry wood substance basis and purchasing plants may make appropriate deductions for rotten or dozy wood or loose piling. The mixed hardwood species shall include hard maple, soft maple, yellow birch, beech, oak, ironwood and rock elm and may include other hardwood species at the option of the buying plant.

Maximum Prices

Chemical cordwood: \$9.00 per scaled cord when purchased by volume (a cord is a pile 8' long and 4' high in which all pieces are approximately 52" long). \$18.00 per cwt. of green wood when purchased by weight on a green or "as delivered" basis. \$30.00 per cwt. of bone dry wood substance when purchased by weight on a dry wood substance basis.

Buying plants are permitted to purchase chemical cordwood by weight on an "as delivered" basis with a sliding scale of increasing price as the wood becomes drier provided the total payment does not exceed \$30 per cwt. of bone dry wood substance. This means that if at the time of the delivery, the wood is half dried, the maximum price will be \$24 per cwt.

Chemical logs: \$21.00 per M when purchased on basis of Scribner log rule scale. \$3.00 per ton of green wood as delivered when purchased on a weight basis.

Chemical bolts: \$21.00 per M when purchased on basis of Scribner log rule scale. \$3.00 per ton of green wood as delivered when purchased on a weight basis. \$9.00 per scaled cord when purchased on a volume basis as provided above.

Prices are f. o. b. cars, or truck delivered. Plants which in 1942 received 80% or more of their chemical wood by truck delivery may, however, apply to the Lumber Branch, Office of Price Administration, Washington, D. C. for permission to make additions to these prices for truck delivery. The Lumber Branch may grant appropriate authority by letter or telegram.

[Article II, Appendix G, Table 1 added by Am. 8, 8 F.R. 12797, effective 9-24-43]

TABLE 2

(Southeastern Kentucky, Eastern Tennessee, Western Virginia, Southern West Virginia, Northwestern South Carolina, Western North Carolina and Northern Georgia)

Area:

Kentucky. Counties of Letcher, Harlan, Leslie, Bell, Knox, Whitley, Pike, Floyd, Knott, Perry, Clay, Laurel, McCreary.

Tennessee. Counties of Hamilton, Sequatchie, Bledsoe, Cumberland, Fentress, Scott, Campbell, Claiborne, Hancock, Hawkins, Sullivan, Johnson, Carter, Unicoi, Washington, Greene, Cocke, Sevier, Blount, Monroe, Polk, Bradley, McMinn, Loudon, Roane, Anderson, Union, Grainger, Jefferson, Hamblen, Marion, Rhea, Meigs, Morgan, Knox.

West Virginia. Counties of McDowell, Mercer.

Virginia. Counties of Bland, Wythe, Grayson, Tazewell, Smyth, Washington, Russell, Buchanan, Dickenson, Wise, Scott, Lee.

North Carolina. Counties of Ashe, Watauga, Caldwell, Alexander, Catawba, Cleveland, Burke, McDowell, Rutherford, Polk, Henderson, Buncombe, Yancey, Avery, Mitchell, Madison, Haywood, Jackson, Transylvania, Macon, Clay, Swain, Graham, Cherokee.

South Carolina. Counties of Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Chester, Fairfield, Newberry, Union, Laurens, Anderson.

Georgia. Counties of Rabun, Towns, Union, Fannin, Gilmer, Murray, Whitfield, Catoosa.

Species or type. Chemical cordwood.

All oaks, birch, beech, maple, hickory, ash, black walnut, ironwood, sourwood, locust, elm, sugar-tree and cherry.

Scaling and grading rules. Cord of 160 cubic feet—All wood must be more than 3" in diameter at small end inside bark. Wood will be accepted up to 7" in diameter at large end without being split. All sticks larger than 7" in diameter must be split so that they will not be more than 9" wide at largest point. All wood must be straight and free from rot and doze. All wood to be cut from 5' to 5' 3" in length. No wood will be accepted if cut shorter than 5 feet unless two pieces are placed end to end in place of a full length stick. All wood must be sawed, not chopped.

Maximum price. \$10.50 per cord of 160 cubic feet, f. o. b. rail shipping point or delivered to mill by truck. If wood is banked at a rail siding at buyer's request and is later loaded at seller's expense on the rail car, an amount not in excess of \$1.00 per cord of 160 cubic feet may be added to the maximum price.

When the consumer purchases chemical wood from a dealer, a dealer's allowance of not to exceed 62½ cents per cord of 160 cubic feet may be paid in addition to the above maximum prices. A dealer is a person engaged in buying and selling chemical wood not produced by himself. The allowance must be separately shown on the billing or settlement sheet and may not be charged on any of the wood which has been produced by the dealer himself.

TABLE 3

(Western Kentucky, Western Tennessee, Eastern Arkansas, and Northern Mississippi)

Area:

Kentucky. Counties of Ballard, McCracken, Carlisle, Marshall, Graves, Calloway, Hickman, Fulton.

Tennessee. Counties of Lake, Obion, Weakley, Henry, Dyer, Benton, Gibson, Carroll, Crockett, Lauderdale, Henderson, Madison, Haywood, Tipton, Decatur, Chester, Shelby, Fayette, Hardeman, McNairy.

Arkansas. Counties of Carroll, Boone, Marion, Baxter, Fulton, Randolph, Clay, Madison, Newton, Searcy, Stone, Izard, Sharp, Lawrence, Greene, Franklin, Johnson, Pope, Van Buren, Conway, Faulkner, Cleburne, Independence, White, Jackson, Poinsett, Craighead, Mississippi, Cross, Crittenden, Woodruff, St. Francis, Lonoke, Prairie, Lee, Monroe, Phillips, Arkansas, Jefferson.

Mississippi. Counties of DeSoto, Marshall, Benton, Alcorn, Prentiss, Tunica, Tate, Panola, Lafayette, Union, Tishomingo, Lee, Itawamba, Pontotoc, Coahoma, Quitman, Bolivar, Tallahatchie, Yalobusha, Calhoun, Chickasaw, Monroe, Grenada, Sunflower, Leflore, Webster, Clay, Lowndes, Oktibbeha, Choctaw, Carroll, Montgomery, Washington, Humphreys, Holmes, Attala, Winston, Noxubee, Sharkey, Issaquena, Yazoo, Leake, Neshoba, Kemper, Lauderdale, Newton, Scott, Madison, Rankin, Hinds, Warren, Claiborne, Tippah.

Species and type. Chemical cordwood of all hardwood species.

Scaling and grading rules. Cord 4' high 8' long, and 52" wide (138 cu. ft.); sticks must be at least 52" long; must have a diameter at the small end of at least 3"; sticks greater than 6" in diameter at the big end must be split and the split wood must not be greater than 8" in any one axis; rot or doty material will not be accepted; all sticks must have sawed ends.

Maximum prices.

\$7.00 per cord f. o. b. railroad cars.
\$7.00 per cord f. o. b. trucks that deliver the particular lot of chemical cordwood directly to buying plant.
\$6.50 per cord delivered to railroad bank.
\$6.50 per cord delivered to highway bank to be loaded on trucks that will deliver directly to buying plants.

TABLE 4

(Northwestern Arkansas and Northeastern Oklahoma)

Area:

Oklahoma. Counties of Adair, Sequoyah, Cherokee, Delaware.

Arkansas. Counties of Crawford, Washington, Benton.

Species or type. Chemical cordwood of elm, oak, ash, hickory, dogwood and willow species.

Scaling and grading rules. Cord of 128 cu. ft., willow wood not to exceed 5" in diameter. All wood exceeding 8" in diameter must be split.

Maximum prices.

\$6.00 per cord for oak, elm, ash, hickory and dogwood.
\$9.00 per cord for willow wood, not debarked.
\$12.00 per cord for willow wood debarked. Delivered to mill by truck, or f. o. b. cars.

TABLE 5
(Central Tennessee)

Area:

Tennessee. Counties of Stewart, Montgomery, Houston, Dickson, Humphreys, Perry, Hickman, Hardin, Wayne, Lewis, Lawrence, Robertson, Sumner, Macon, Trousdale, Clay, Overton, Pickett, Cheatham, Davidson, Wilson, Smith, Jackson, Putnam, Williamson, Rutherford, Cannon, De Kalb, White, Maury, Marshall, Bedford, Coffee, Grundy, Giles, Lincoln, Moore, Franklin, Marion, Warren, Van Buren.

Species or type. Chemical cordwood of oak, beech, hard maple and hickory.

Scaling and grading rules. Cord 4' high, 8' long, 52" wide (138 cu. ft.); wood must be sound and cut to a length of 52 inches; wood cut less than 52 inches will be rejected; all sticks must be at least 3 inches in diameter at small end; all sticks over 5 inches in diameter at small end must be split so as not to be less than 2½" or more than 5" at the thickest point. All sticks must be reasonably straight and close trimmed; forks, crooks, large knots and burls will be docked; all sticks must have sawed ends; chopped wood not acceptable.

Maximum prices.

\$7.00 per cord of 138 cu. ft., f. o. b. cars.
\$7.50 per cord of 138 cu. ft., delivered to plant by truck.

Dealer's commission. When the consumer purchases chemical wood from a dealer, a dealer's allowance not to exceed 50 cents per cord (as defined in this table) may be paid in addition to the above maximum prices. A dealer is a person engaged in buying and selling chemical wood not produced by himself. The allowance must be separately shown on the billing or settlement sheet and must not be charged on any of the wood which has been produced by the dealer himself.

[Paragraph headed "Dealer's Commission" added by Am. 12, 8 F.R. 15190, effective 11-8-43]

[Tables 2, 3, 4, and 5 added by Am. 9, 8 F.R. 13337, effective 10-5-43]

APPENDIX H—CHESTNUT CORDWOOD

Maximum prices on cordwood are established on cords or units of a stated number of cubic feet. In cases where the cord or unit sold differs in cubical content the maximum price stated herein may be adjusted upward if the unit sold is larger and must be adjusted downward if the unit sold is smaller. For example, the unit priced in the table is 160 cu. ft. If the unit sold contains 128 cu. ft., the maximum price must be reduced by 20%.

TABLE 1

Area. The States of Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and Alabama.

Zone 1. The entire State of Virginia excluding the following counties: Bland, Wythe, Grayson, Smyth, Tazewell, Washington, Russell, Buchanan, Scott, Lee, Wise and Dickenson.

Zone 2. The entire States of West Virginia, North Carolina, South Carolina, Georgia, Kentucky, all of Tennessee except the seven counties listed in Zone 3 below, and the following counties in Virginia: Bland, Wythe, Grayson, Smyth, Tazewell, Washington, Russell, Buchanan, Scott, Lee, Wise and Dickenson.

Zone 3. Alabama, and the following counties in Tennessee: Hardin, Wayne, Lawrence, Giles, Lincoln, Franklin and Marion.

Species or type. Chestnut cordwood.

Scaling and grading rules. A cord of 160 cubic feet shall be the basis of measurement. The wood is to be sound and clear; dead or green; bark on or off; wood with worm holes accepted; decayed; charred or burned portions shall be removed; wood must be sawed, not chopped, into 4 or 5 foot lengths.

tions shall be removed; wood must be sawed, not chopped, into 4 or 5 foot lengths.

Maximum prices:

Zone 1.

\$11.00 per cord of 160 cu. ft., f. o. b. cars.
\$12.00 per cord of 160 cu. ft., delivered to mill by truck.

Zone 2. \$10.50 per cord of 160 cu. ft. f. o. b. rail or water loading point or delivered to the mill by truck.

Zone 3. \$10.50 per cord of 160 cu. ft., f. o. b. rail or water loading point or delivered to mill by truck. In this zone only, the following amounts may be added to the maximum prices where delivery is made to the mill by truck:

Up to 14 miles, \$0.75 per 160 cu. ft. cord
15 to 24 miles, \$0.94 per 160 cu. ft. cord
25 miles and over, \$1.25 per 160 cu. ft. cord

General. If wood is banked at a rail siding at the buyer's request and is later loaded at seller's expense on the railway car, an amount not in excess of \$1.00 per cord of 160 cubic feet may be added to the maximum price. In the event that a consumer of Chestnut cordwood shall purchase Chestnut cordwood through a dealer, such consumer may pay such dealer not more than the maximum price herein plus a dealer's allowance not in excess of 62½ cents per cord of 160 cubic feet. A dealer means any person who sells to consumers Chestnut cordwood not cut or prepared by him, but purchased by such person in the condition in which it is to be delivered to the consumer. The commission may not be paid on any wood produced by the dealer.

[Appendix H added by Am. 9, 8 F.R. 13337, effective 10-5-43]

APPENDIX J—EXCELSIOR WOOD

NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit or cord of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.

| If the size of unit priced in table is (cubic feet) | If unit sold contains following cubic footage, adjust prices by percentage shown below | | | | |
|---|--|---------|---------|---------|---------|
| | 128 | 138 | 144 | 160 | 180 |
| 128 | Percent | Percent | Percent | Percent | Percent |
| 138 | -7.2 | +7.8 | +12.5 | +25.0 | +40.6 |
| 144 | -11.1 | -4.2 | +4.3 | +15.9 | +30.4 |
| 160 | -20.0 | -13.75 | -10.0 | +11.1 | +25.0 |
| 180 | -28.9 | -23.3 | -20.0 | -11.1 | -12.5 |

TABLE 1

Area. Michigan, Wisconsin and Minnesota.

Species or type. Poplar including the commercial species of the genus *Populus* and basswood including the commercial species of the genus *Tilia*.

Scaling and grading rules. Units of 147 cubic feet—bolts cut in length of 55 inches and suitable for the manufacture of excelsior.

Definitions. "Dealer" means any person who sells to consumers cordwood (pulpwood, excelsior bolts, box bolts and insulation short logs) not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer

and who sold and delivered not less than 6,966 units of cordwood to consumers in the 1942-43 operating season, or who shall sell and deliver not less than 6,966 units of cordwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year; "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells wood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than consumer.

Maximum Prices
(Per unit of 147 cubic feet)

| | Peeled | Unpeeled |
|-----------------------------|---------|----------|
| Poplar (Aspen, popple)----- | \$12.50 | \$9.90 |
| Basswood----- | 12.50 | |

(1) These prices apply delivered to the mill by truck, f. o. b. rail cars, f. a. s. vessel, in a lake or stream, or at streamside.

(2) In cases where wood is delivered by a seller or at his expense at a consumer's mill, an amount not in excess of \$1.10 per unit may be added to the maximum prices set forth in subparagraph (1) of this appendix.

(3) Deliveries may be made at points other than those mentioned in subparagraphs (1) and (2) above. In all such cases the actual costs per unit for transportation to and for loading on the railway cars, vessel or stream by which the wood is to be delivered to the mill, or, in the case of wood to be trucked to the mill at the buyer's expense, the cost per unit of such trucking, shall be deducted from the appropriate maximum price set forth above.

(4) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for fire-kills, or for defective wood of any kind must be observed.

(5) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per unit shall be ascertained by determining the number of units of each species in the shipment and then applying the maximum price for each species.

(6) *Dealers and traders.* (a) If a consumer buys excelsior bolts through a dealer as defined above, such consumer may pay such dealer, in addition to the maximum price provided in Appendix J, a commission not to exceed \$1.10 per unit. If any person buys excelsior bolts through a trader, as defined above, such person may pay such trader, in addition to the maximum price provided, a commission not to exceed 55 per cent; *Provided*, That in no case shall the aggregate amount of commissions, on any unit of excelsior bolts exceed \$1.10.

(b) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on excelsior bolts cut by him on his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions):

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The deliveries are made by the dealer to the consumer;

(iii) The excelsior bolts sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the excelsior bolts

and that they are free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the excelsior bolts, and that the charges are not in excess of Maximum Price Regulation No. 348;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this maximum Price Regulation No. 348 are strictly complied with.

(c) Any person not meeting the requirements set forth in the definition of a dealer given above, but who intends to do so, may make application for such status to the Lumber Branch, Office of Price Administration, Washington, D. C., which Branch may grant the application either absolutely or conditionally, or deny it, by letter or telegram.

TABLE 2

Area. The States of Tennessee, Alabama, Georgia, and North Carolina by zones as listed below.

Zone 1. The States of Tennessee, Alabama and Georgia.

Zone 2. In the State of North Carolina the following counties: Brunswick, Columbus, Bladen, Robeson, Scotland, Richmond, Anson, Union, Mecklenburg, Cabarrus, Rowan, Davidson, Davie, Forsyth, Surry, Yadkin, Iredell, Lincoln, Gaston, Cleveland, Catawba, Alexander, Wilkes, Alleghany, Ashe, Watauga, Caldwell, Burke, Rutherford, Polk, McDowell, Avery, Mitchell, Yancey, Buncombe, Henderson, Transylvania, Haywood, Madison, Jackson, Swain, Graham, Macon, Clay and Cherokee.

Zone 3. In the State of North Carolina all counties other than those named in Zone 2, and except Rockingham, Stokes and Caswell Counties.

[Paragraph headed "Zone 3" as amended by Am. 13, 8 F.R. 15696, effective 11-22-43]

Species or type. Pine and Poplar excelsior wood; peeled or unpeeled. Pine includes longleaf pine (*Pinus palustris*), shortleaf pine (*Pinus echinata*), loblolly pine (*Pinus taeda*), slash pine (*Pinus caribaea*) and any other species of *Pinus* found in the area described above. Poplar means any tree of the species *Liriodendron tulipifera*.

Scaling and grading rules. Excelsior bolts shall be measured on the basis of a cord of 128 cubic feet. Excelsior bolts must be cut to a length of 54 inches exclusive of kerf if cut with an axe, and 55 inches if sawed. The extra length attributable to kerf or to the extra inch when sawed can not be charged for.

The minimum diameter at the small end shall be 4".

Maximum Prices
(Per cord of 128 cubic feet)

| | Unpeeled | Peeled |
|-------------|----------|--------|
| Zone 1: | | |
| Pine----- | \$6.80 | \$9.50 |
| Poplar----- | 7.30 | 10.00 |
| Zone 2: | | |
| Pine----- | 7.10 | 9.80 |
| Poplar----- | 7.60 | 10.30 |
| Zone 3: | | |
| Pine----- | 7.60 | 10.30 |
| Poplar----- | 8.10 | 10.80 |

These prices are to prevail for excelsior bolts f. o. b. cars at rail siding or delivered to the mill.

If excelsior wood is split at buyer's request so that all bolts from 7" to 10" in diameter at the small end are split into 2 sections, and all bolts from 10" to 14" are split into 4 sections, and all bolts 14" and larger are split proportionately, the buyer may add to the above ceiling price a sum not to exceed \$0.75 per cord of 128 cubic feet provided that at least 20% of the number of bolts in any shipment have been split.

TABLE 3

Area. That part of Virginia east of and including Pulaski, Carroll and Giles Counties, and in North Carolina, Rockingham, Stokes and Caswell Counties.

[Paragraph headed "Area" as amended by Am. 13, 8 F.R. 15696, effective 11-22-43]

Species or type. Pine bolts of the genus *Pinus* suitable for the manufacture of excelsior.

Scaling and grading rules. Unit of 180 cubic feet, minimum diameter 4", required length 5 feet.

Definitions. "Dealer" means any person who sells to consumers cordwood (excelsior bolts, pulpwood) not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer who sold and delivered not less than 7,111 units of wood to consumers in the calendar year 1942, or who shall sell and deliver not less than 5,689 units to consumers in any subsequent calendar year.

"Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells cordwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer.

Maximum Prices

| | Peeled | Unpeeled |
|---------------------------------------|---------|----------|
| Pine and poplar (unit of 180 cu. ft.) | \$16.30 | \$11.25 |

[Above table as amended by Am. 13, 8 F.R. 15696, effective 11-22-43]

These maximum prices prevail f. o. b. rail cars or delivered to the mill by truck.

Dealers and traders. (1) In the event that a consumer of cordwood shall purchase cordwood through a dealer as defined under Table 3, Appendix J hereof, such consumer may pay such dealer not more than the maximum price above plus a dealer's allowance not in excess of \$1.12 per unit for rough wood, and \$1.69 per unit for peeled wood. If any person buys cordwood through a trader, as defined under Table 3, Appendix J, such person may pay such trader, in addition to the maximum price provided in Appendix J, Table 3, a commission not to exceed 70¢ per unit; *Provided*, That in no case shall the aggregate amount of commissions exceed \$1.12 on any unit of rough wood, and \$1.69 on any unit of peeled wood.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on cordwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive

a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:)

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged.

(ii) The sales are made by the dealer to the consumer.

(iii) The excelsior bolts sold by the dealer to the consumer or sold by the trader to his vendee have been completely prepared for delivery and delivered by a person other than the dealer or trader.

(iv) The dealer or trader guarantees the merchantable quality of the cordwood and that it is free from all liens and incumbrances.

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the cordwood, and that the charges are not in excess of Maximum Price Regulation 348.

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever.

(vii) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Lumber Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Lumber Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

TABLE 4

Area. The States of Maine, New Hampshire, Vermont, New York by zones as listed below:
Zone 1. The State of Maine.
Zone 2. The States of New Hampshire, Vermont and New York.

Species or type. Poplar and Pine bolts, peeled or rough, for the manufacture of excelsior wood.

Scaling and grading rules. Cord of 128 cubic feet.

Definitions. "Dealer" means any person who sells to consumers cordwood not cut or prepared by such person but purchased by such person in the condition in which it is to be delivered to the consumer.

"Roadside" is any road that is maintained and kept open for traffic twelve months of the year.

Maximum Prices

(Per cord of 128 cubic feet)

ZONE 1—MAINE

| Species and condition | f. o. b. cars | Roadside | Delivered to Mill (by truck) |
|-----------------------|---------------|----------|------------------------------|
| Poplar (aspen): | | | |
| Peeled | \$12.50 | \$10.50 | \$13.50 |
| Rough | 10.50 | 8.50 | 11.50 |
| Pine: | | | |
| Peeled | 12.50 | 10.50 | 13.50 |
| Rough | 10.50 | 8.50 | 11.50 |

ZONE 2—NEW HAMPSHIRE, VERMONT, NEW YORK

| | | | |
|-----------------|---------|---------|---------|
| Poplar (aspen): | | | |
| Peeled | \$13.00 | \$11.00 | \$14.00 |
| Rough | 11.00 | 9.00 | 12.00 |
| Pine: | | | |
| Peeled | 13.00 | 11.00 | 14.00 |
| Rough | 11.00 | 9.00 | 12.00 |

Dealers (1) In the event that a dealer in cordwood, as defined above, shall within a year from the effective date of this regulation deliver to consumer or consumers 1,000 cords of wood, such consumer or consumers may pay such dealer with respect to wood purchased by such dealer, but not operated by him, a dealer's allowance (in addition to the producer's maximum price hereinbefore provided) not in excess of \$1.00 per cord. Any one consumer who is asked to pay a commission on less than 1,000 cords sold by a dealer may rely in making such payments on letters from other consumers to the dealer indicating that, at the time the commission is paid, the dealer has met the requirements of this paragraph.

(2) The maximum prices established under Table 4 of Appendix J can in no case be augmented by more than one dealer's allowance for each cord. In no event shall a person receive a dealer's allowance or the proceeds of a dealer's allowance on cordwood cut by him or by his own operations. In no event shall a person receive a dealer's allowance on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge an allowance on the wood cut by the other. In addition to the price paid by the consumer a dealer may receive a dealer's allowance only from a consumer and only if the dealer fulfills all of the following requirements with respect to the transactions:

(1) Keep copies of all contracts in which a dealer's allowance is charged.

(2) The sale is made by the dealer to the consumer.

(3) The cordwood sold by the dealer to the consumer has been completely prepared for delivery by a person other than the dealer.

(4) The dealer guarantees the merchantable quality of the cordwood.

(5) The dealer's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the dealer has had no part in the preparation of the cordwood covered prior to its delivery to the consumer, and that the charges are not in excess of those established in this Maximum Price Regulation No. 348.

(6) The dealer's allowance is not split or divided with any other person.

(7) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

[Appendix J added by Am. 10, 8 F.R. 14212, effective 10-23-43]

APPENDIX K—INSULATION AND FELT SHORT LOGS AND CORDWOOD

(NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit cord or of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.)

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.)

| If the size of unit priced in table is (cubic feet) | If unit sold contains following cubic footage, adjust price by percentage shown below | | | | |
|---|---|---------|---------|---------|---------|
| | 128 | 138 | 144 | 160 | 180 |
| | Percent | Percent | Percent | Percent | Percent |
| 128 | | +7.8 | +12.5 | +25.0 | +40.6 |
| 138 | -7.2 | | +4.3 | +15.9 | +30.4 |
| 144 | -11.1 | -4.2 | | +11.1 | +25.0 |
| 160 | -20.0 | -13.75 | -10.0 | | +12.5 |
| 180 | -28.9 | -23.3 | -20.0 | -11.1 | |

TABLE 1

Area. The following counties in Minnesota: Aitkin, Becker, Beltrami, Benton, Carlton, Cass, Chisago, Clearwater, Cook, Crow Wing, Hubbard, Isanti, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Marshall, Morrison, Mille Lacs, Mahanomen, Otter Tail, Pine, Polk, Pennington, Red Lake, Roseau, St. Louis, Todd, Wadena; and the following counties in Wisconsin: Barron, Bayfield, Burnett, Douglas, Polk, Rusk, Sawyer, St. Croix, Washburn.

Species or type. 100' short logs suitable for manufacture into insulating materials. Must be freshly cut, green timber of Aspen (poplar), Jack Pine, Norway and White Pine, Balsam fir or Spruce.

Grade or specification. Insulation short logs shall be 100 inches in length or longer, but not more than 9 feet, piled so that the cord volume can be accurately measured. The unit of measurement shall be a cord of not less than 128 cubic feet nor more than 133 cubic feet.

Definitions. "Dealer" means any person who sells to consumers cordwood (pulpwood, excelsior bolts, box bolts and insulation short logs) not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 8,000 cords of cordwood to consumers in the 1942-1943 operating season, or who shall sell

and deliver not less than 8,000 cords of cordwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year; "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells wood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer;

Maximum Prices

(Per cord of 128-133 cu. ft.)

| Species (per cord) | Rough | Peeled |
|-----------------------|--------|---------|
| Aspen (Poplar) | \$9.00 | \$11.00 |
| Jack Pine | 11.50 | |
| Norway and white pine | 11.50 | |
| Balsam fir | 13.00 | |
| Spruce | 15.00 | |

(1) These prices apply delivered to the mill by truck, f. o. b. rail cars, f. a. s. vessel, in a lake or stream, or at streamside.

(2) In cases where wood is delivered by a seller or at his expense at a consumer's mill, an amount not in excess of \$1.00 per cord may be added to the maximum prices set forth in subparagraph (1) of this appendix.

(3) Deliveries may be made at points other than those mentioned in subparagraphs (1) and (2) above. In all such cases the actual costs per cord for transportation to and for loading on the railway cars, vessel or stream by which the wood is to be delivered to the mill, or, in the case of wood to be trucked to the mill at the buyer's expense, the costs per cord of such trucking, shall be deducted from the appropriate maximum price set forth above.

(4) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(5) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per cord shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

(6) *Dealers and traders.* (a) If a consumer of cordwood buys insulation short logs through a dealer as defined above, such consumer may pay such dealer, in addition to the maximum price provided in Appendix A, a commission not to exceed \$1.00 a cord. If any person buys insulation short logs through a trader, as defined above, such person may pay such trader, in addition to the maximum price provided, a commission not to exceed 50¢ per cord: *Provided*, That in no case shall the aggregate amount of commissions, on any cord of insulation short logs exceed \$1.00.

(b) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on insulation short logs cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (1) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders,

and accordingly does not include (ii) with respect to the transactions):

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The short logs sold by the dealer to the consumer or sold by the trader to his vendee have been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the short logs and that they are free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the short logs, and that the charges are not in excess of Maximum Price Regulation No. 348.

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

(c) Any person not meeting the requirements set forth in the definition of a dealer given above, but who intends to do so, may make application for such status to the Lumber Branch, Office of Price Administration, Washington, D. C., which Branch may grant the application either absolutely or conditionally, or deny it, by letter or telegram.

[Appendix K added by Am. 10, 8 F.R. 14212, effective 10-23-43]

APPENDIX L—STAVE AND HEADING BOLTS

(NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit or cord of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.)

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.)

| If the size of unit priced in table is (cubic feet) | If unit sold contains following cubic footage adjust prices by percentage shown below | | | | |
|---|---|---------|---------|---------|---------|
| | 128 | 138 | 144 | 160 | 180 |
| | Percent | Percent | Percent | Percent | Percent |
| 128 | | +7.8 | +12.5 | +25.0 | +40.6 |
| 138 | -7.2 | | +4.8 | +15.9 | +30.4 |
| 144 | -11.1 | -4.2 | | +11.1 | +25.0 |
| 160 | -20.0 | -13.75 | -10.0 | | +12.5 |
| 180 | -28.9 | -23.3 | -20.0 | -11.1 | |

TABLE 1

Area. Virginia, counties of Buckingham, Chesterfield, Prince George, Cumberland, Dinwiddie, Nottoway, Powhatan, and Amelia.

Species or type. Pine of the genus *pinus* suitable for the manufacture of nail keg heading and staves.

Scaling and grading. Unit of 180 cubic feet. Minimum diameter limits—4" for stave wood and 7" for heading wood. Logs with tight knots accepted for staves, but

No. 237—5

should not have more than 4 knotty places in one billet. Logs with red knots cannot be accepted for heading. All logs must be of top rate firmness. Very crooked logs not acceptable.

Maximum price. Wood suitable for nail keg headings—\$12.25 per unit—Wood suitable for manufacture of staves—\$11.25 per unit. These maximum prices apply f. o. b. rail cars or delivered to the mill by truck.

[Appendix L, Table 1 added by Am. 10, 8 F.R. 14212, effective 10-23-43]

TABLE 2

Area. The States of Alabama, Kentucky, and Tennessee by zones as outlined below:
Zone 1. The entire States of Kentucky and Tennessee.

Zone 2. The entire State of Alabama.

Species. Chestnut oak (*Quercus montana*) and all other species of oak of the genus (*Quercus*) known to the Industry as white and red oak.

Scaling and grading rules. The basis for measurement shall be the standard cord of 128 cubic feet. The purchase of units of specifications different from the normal cord specifications of 4' x 4' x 8' shall be made by converting to cubic feet and adjusting the price upward or downward in proportion to 128 cubic feet.

Grade specifications—(1) Bourbon grade stave bolts must be of white oak species; 38" in length; sound, straight-grained, free of all visible defects and must be cut from timber large enough to split into 4 or more bolts so that each bolt will square 4 or more inches of red or heartwood. The 4 inch square is to be measured at the small end of the bolt.

(2) *Bourbon grade heading bolts* must be of white oak species; 23 inches in length; sound, straight-grained, free of all visible defects, and must be cut from timber large enough to split into 4 or more bolts so that each bolt will square 4½" or more inches of red or heartwood. The 4½ inch square is to be measured at the small end of the bolt.

(3) *Oil grade mixed oaks stave bolts* can include chestnut, red, and white oak bolts that are sound, straight-grained, free of knots, catfaces and large worm holes, and must be cut from timber large enough to split into 3 or more bolts so that each bolt will square at least 4 inches of both heart and sapwood. The 4 inch square is to be measured at the small end of the bolt. The bolts are to be 38" in length.

(4) *Oil grade mixed oaks heading bolts* can include chestnut, red, and white oak bolts that are sound, straight-grained, free of knots, catfaces and large worm holes, and must be cut from timber large enough to split into 3 or more bolts so that each bolt will square at least 4½ inches of both heart and sapwood. The 4½ inch square is to be measured at the small end of the bolt. The bolts are to be 23" in length.

Maximum prices—Stave and heading bolts.

Zone 1

Bourbon Grade—\$26.50 per cord of 128 cubic feet.

Oil Grade—\$17.00 per cord of 128 cubic feet.

Zone 2

Bourbon Grade—\$25.00 per cord of 128 cubic feet.

Oil Grade—\$16.00 per cord of 128 cubic feet.

These prices to prevail f. o. b. cars or for bolts delivered to the mill by truck.

If the buyer takes delivery at some place other than on railroad cars or at his mill, the maximum prices must be reduced by either of the following, depending upon delivery point:

1. The cost per cord to the buyer of trucking bolts to the closest rail siding and loading on cars if delivery to mill is by rail.

2. The cost to the buyer of trucking bolts to his mill if delivery to mill is by truck.

The prices herein will prevail for the purchase of bolts produced in the area described above and will prevail for all buying plants purchasing bolts in these areas whether or not the buying plants are located in the area.

[Table 2 added by Am. 16, effective 11-29-43]

APPENDIX N—HICKORY SPECIAL LOGS

TABLE 1

Area. Part or all of the States of Texas, Louisiana, Oklahoma, Arkansas, Missouri, Illinois, Mississippi, Alabama, Tennessee, Kentucky, Indiana, North Carolina, and Virginia by Zones as listed below:

Zone 1

That part of the State of Texas lying east of the east line of the counties of Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Falls, Milam and Burleson and north of the north line of the counties of Brazos, Grimes, Walker, San Jacinto, Polk, Tyler, Jasper and Newton.

That part of the State of Louisiana lying north of the north line of the parishes of Beauregard, Allen, Evangeline, St. Landry, and Pointe Coupee, and W. Feliciana.

That part of the State of Oklahoma lying east of the east line of the counties of McClain, Garvin, Murray, Carter and Love, and south of the south line of the counties of Pottawatomie, Seminole, Okfuskee, McIntosh, Haskell and Sequoyah.

That part of the State of Arkansas lying south of the Arkansas River.

Zone 2

That part of the State of Oklahoma lying east of the east line of the counties of Grant, Garfield, Logan, Oklahoma and Cleveland; and north of the north line of the counties of Pontotoc, Hughes, Pittsburg, Latimer, and Le Flore.

That part of the State of Arkansas lying north of the Arkansas River, and west of the west line of the counties of Marion, Searcy and Pope.

That part of the State of Missouri lying south of the south line of the counties of Bates and St. Clair; and west of the west line of the counties of Polk, Greene, Christian and Taney.

Zone 3

That part of the State of Arkansas lying north of the Arkansas River east of the east line of the counties of Boone, Newton and Johnson; and west of the west line of the counties of Mississippi, Cross, St. Francis, Lee and Phillips; and west of the east line of the county of Desha.

Zone 4

That part of the State of Arkansas lying in the counties of Mississippi, Crittenden, Cross, St. Francis, Lee and Phillips.

Zone 5

That part of the State of Missouri lying east of the east line of the counties of Saline, Johnson, Henry, St. Clair, Cedar, Dade, Lawrence and Stone; and south of the Missouri River.

Zone 6

That part of the State of Missouri lying east of the east line of the counties of Mercer, Grundy, Livingston, Carroll and Saline; and north of the Missouri River.

That part of the State of Illinois lying in the counties of Adams, Pike, Calhoun, Brown, Scott, Greene and Jersey.

Zone 7

The entire State of Mississippi except the counties of De Soto and Marshall.

That part of the State of Alabama lying north of the north line of the counties of Sumter, Greene, Hale, Bibb, Chilton, Coosa, Tallapoosa and Chambers.

That part of the State of Louisiana east of the Mississippi River.

Zone 8

That part of the State of Tennessee lying west of the Tennessee River, except for the counties of Shelby, Fayette, Haywood, Hardeman and Chester.

Zone 9

That part of the State of Mississippi lying in the counties of DeSoto and Marshall.

That part of the State of Tennessee lying in the counties of Shelby, Fayette, Haywood, Hardeman and Chester.

Zone 10

That part of the State of Tennessee lying east of the Tennessee River; west of the west line of the counties of Macon, Smith, DeKalb, Warren, Grundy and Marion.

That part of the State of Kentucky lying east of the Tennessee river; and west of the west line of the counties of Hardin, Larue, Green, Metcalf and Monroe.

Zone 11

That part of the State of Kentucky lying west of the Tennessee river.

That part of the State of Illinois lying south of the south line of the counties of Jersey, Macoupin, Montgomery, Shelby, Cumberland and Clark.

That part of the State of Indiana lying south of the south line of the counties of Fountain, Parke, Montgomery, Hendricks, Marion, Hancock, Henry and Wayne.

Zone 12

That part of the State of Tennessee lying east of the east line of the counties of Sumner, Trousdale, Wilson, Cannon, Coffee and Franklin, and west of the west line of Hawkins and Washington.

That part of the State of Kentucky lying east of the east line of the counties of Meade, Breckenridge, Grayson, Hart, Barren and Allen.

That part of the State of North Carolina lying west of the west line of the counties of Ashe, Wilkes, Caldwell, Burke, McDowell and Rutherford.

Zone 13

That part of the State of Virginia lying west of the west line of the counties of Craig, Roanoke, Franklin and Henry.

That part of the State of Tennessee lying east of the east line of the counties of Hancock, Grainger, Hamblen and Greene.

That part of the State of North Carolina lying in the counties of Ashe, Wilkes, Alleghany and Surry.

Zone 14

That part of the State of North Carolina lying in the counties of Caldwell, Burke, McDowell, Rutherford, Lincoln, Catawba and Alexander.

Species. All hickory logs and bolts used in the manufacture of specialty stock. This includes shagbark hickory (*Hicoria ovata*), Big-leaf shagbark hickory (*Hicoria laciniata*), Pignut hickory (*Hicoria glabra*) and Mockernut hickory (*Hicoria alba*).

Scaling rules. 1. All logs are to be scaled with the Doyle Log Rule with the diameter being measured inside the bark at the small end of the log and at the smallest diameter.

2. The basis for measurement of hickory bolts shall be the standard cord of 128 cubic feet. The purchase of units of specifications different from the normal cord specifications of 4' x 4' x 8' shall be done by converting to cubic feet and adjusting the price upward or downward in proportion to 128 cubic feet.

3. Logs are to be cut in even lengths unless otherwise specified by the buyer with the lowest acceptable length of 7 feet.

4. Bolts are to be cut into lengths specified by the buyer with the lowest acceptable length as 40 inches.

5. All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made include bird pecks, holes from any cause, windshake, brashy or light weight, decay, sap stain and crook. Crooked logs are to be scaled to actual measurement of usable portion.

Grading rules (logs or bolts).

1. Extra quality:

Must have a ring of white wood measuring not less than 3½ inches in from bark. 8"-15" in diameter—must have all clear faces and clear ends. 16" and over in diameter—must have at least 3 clear faces and clear ends.

2. No. 1 quality:

Must have a ring of white wood measuring not less than 2½ inches in from bark. 8"-15" in diameter—at least 3 clear faces and clear ends. 16" and over in diameter—at least 2 clear faces and clear ends.

3. No. 2 quality:

8" and up in diameter—at least 2 clear faces; and defects permitted. If the defects reduce the footage cut from the log more than 25 percent, the log will be classed as a cull.

4. Timber run quality:

A combination of Extra Quality, No. 1 and No. 2 logs or bolts containing not over 20 percent No. 2.

Face defects are knots, catfaces, scabs, and ingrown bark.

End defects are bird pecks, holes from any cause, windshake, brashy or light weight, decay or sap stain.

Maximum prices

Prices for logs per M feet.

| | Extra | No. 1 | No. 2 | Timber run |
|--------------|---------|---------|---------|------------|
| Zone 1..... | \$45.00 | \$35.00 | \$20.00 | \$35.00 |
| Zone 2..... | 40.00 | 30.00 | 18.00 | 33.00 |
| Zone 3..... | 38.00 | 28.00 | 18.00 | 28.00 |
| Zone 4..... | 45.00 | 35.00 | 20.00 | 35.00 |
| Zone 5..... | 40.00 | 30.00 | 18.00 | 32.00 |
| Zone 6..... | 40.00 | 30.00 | 18.00 | 32.00 |
| Zone 7..... | 45.00 | 35.00 | 20.00 | 35.00 |
| Zone 8..... | 45.00 | 35.00 | 20.00 | 35.00 |
| Zone 9..... | 45.00 | 35.00 | 20.00 | 37.00 |
| Zone 10..... | 40.00 | 30.00 | 20.00 | 30.00 |
| Zone 11..... | 45.00 | 35.00 | 25.00 | 35.00 |
| Zone 12..... | 38.00 | 28.00 | 18.00 | 28.00 |
| Zone 13..... | 38.00 | 28.00 | 18.00 | 28.00 |
| Zone 14..... | 35.00 | 24.00 | 12.00 | 24.00 |

Bolts per cord (128 cu. ft.)

| | Extra | No. 1 | No. 2 | Timber run |
|--------------|---------|---------|---------|------------|
| Zone 1..... | \$22.50 | \$17.50 | \$10.00 | \$17.50 |
| Zone 2..... | 20.00 | 15.00 | 9.00 | 16.50 |
| Zone 3..... | 19.00 | 14.00 | 9.00 | 14.00 |
| Zone 4..... | 22.50 | 17.50 | 10.00 | 17.50 |
| Zone 5..... | 20.00 | 15.00 | 9.00 | 16.00 |
| Zone 6..... | 20.00 | 15.00 | 9.00 | 16.00 |
| Zone 7..... | 22.50 | 17.50 | 10.00 | 17.50 |
| Zone 8..... | 22.50 | 17.50 | 10.00 | 17.50 |
| Zone 9..... | 22.50 | 17.50 | 10.00 | 18.50 |
| Zone 10..... | 20.00 | 15.00 | 10.00 | 15.00 |
| Zone 11..... | 22.50 | 17.50 | 12.50 | 17.50 |
| Zone 12..... | 19.00 | 14.00 | 9.00 | 14.00 |
| Zone 13..... | 19.00 | 14.00 | 9.00 | 14.00 |
| Zone 14..... | 17.50 | 12.00 | 6.00 | 12.00 |

The above prices shall prevail:

1. Loaded on railroad cars at any rail siding.
2. Delivered to place at which water shipment is to begin.
3. Delivered by truck to the buyer's plant.

The seller cannot add to the maximum prices any charges for loading on cars or trucking to rail siding, to a place where water shipment is to begin, or to the buyer's plant.

If the buyer takes delivery at some place other than on railroad cars, or at a place where water shipment is to begin, or at his plant the maximum price must be reduced by the lower of the following:

1. The cost (per M feet log scale or per cord) to the buyer, of trucking logs or bolts to the closest rail siding and loading on cars.
2. The cost (per M feet log scale or per cord) to the buyer, of trucking logs or bolts to his plant.

These prices apply to hickory logs or bolts not purchased in conjunction with other species, but purchased on an individual selected basis.

Logs below 7 feet in length can be purchased on a board-foot log scale basis by paying 10 percent less than the log prices herein stipulated.

TABLE 2

Area. In the State of Alabama all counties south of and including the Counties of Sumter, Greene, Hale, Bibb, Chilton, Coosa, Tallapoosa, and Chambers.

Species. All hickory logs and bolts used in the manufacturing of specialty stock. This includes Shagbark hickory (*Hicoria ovata*), Bigleaf shagbark hickory (*Hicoria laciniosa*), Pignut hickory (*Hicoria glabra*) and Mockernut hickory (*Hicoria alba*).

Scaling rules. All logs are to be scaled with the Doyle Log Rule with the diameter being measured at the small end of the log at the smallest diameter and with all fractions of an inch counted back to the next lower figure.

Grading rules: Special grade. Must be 12" and up in diameter at the small end and show at least 4½ inches of White wood between the bark and heart and must be absolutely clear of all visible defects. Logs to be cut in 7', 8', 14' and 16' lengths with a minimum trim allowance of 6 inches.

NOTE: Bird pecks, windshakes, worm holes, crooks and cross-grain is not permitted in this grade.

No. 1 grade. Must be 10 inches and up at the small end and must show at least 3 inches of White wood between bark and heart. Logs must be free from all visible defects and should be cut in 7', 8', 14' and 16' lengths.

NOTE: Bird pecks, windshakes, worm holes, crooks and cross-grain not permitted in this grade.

No. 2 grade. Must be 9" and up at small end and must show at least 2 inches of White wood between bark and heart and must show at least two-thirds of clear cuttings not less than 3 feet long. Logs shall be cut 6', 9', or 12' in length.

NOTE: Bird pecks, windshakes, worm holes, crooks and cross-grain not permitted in this grade.

Maximum Prices

| Per M feet log scale | |
|----------------------|---------|
| Special grade..... | \$45.00 |
| No. 1 grade..... | 40.00 |
| No. 2 grade..... | 20.00 |

These prices to prevail for hickory logs delivered to the mill. For logs not delivered to the mill these prices must be reduced by the cost of bringing the logs to the plant.

The prices herein will be the maximum prices for the purchase of logs produced in

the area described above and will prevail for all buying plants purchasing hickory logs in this area whether or not the buying plants are actually located in the area.

These prices apply for hickory logs not purchased in conjunction with other species, but purchased on an individual selected basis.

[Appendix N added by Am. 17, effective 11-29-43]

[Other Appendices and tables will be added by future amendments.]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective April 23, 1943.

[Issued March 23, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19017; Filed, November 26, 1943; 4:40 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11, Amdt. 11]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 11 is amended in the following respects:

1. In § 1316.4 (d) Table 1, under the heading "Organdie", reference Nos. AK11 and AK12 are added to read as follows:

AK11 40" 84 x 84 9.12 (Foreign Pima) 18.96
AK12 40" 84 x 84 9.12 (Pima) 20.12

2. In § 1316.4 (d) Table 1, under the heading "Decating Apron Cloth", reference No. AX7 is added to read as follows:

AX7 77" 78 x 172 .92 (Ply Warp) 171.51

3. In § 1316.4 (d) Table 1, under the heading "Printer's Blanket Cloth", reference Nos. BD9 and BD10 are added to read as follows:

BD9 64" 46/92 x 60 1.61 (Ply Pima Warp) 80.38

BD10 46" 46/92 x 60 2.21 (Ply Pima Warp) 54.45

4. In § 1316.4 (d) Table 1, under the heading "Special Combed Duck", reference BH3 is added to read as follows:

RH3 31" 114 x 34 1.89 (20/1 Warp—20/4 Fin) 44.05

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19014; Filed, November 26, 1943; 4:41 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1341—CANNED AND PRESERVED FOODS [MPR 473, Amdt. 3]

MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 473 is amended in the following respects:

1. In the first table in section 2 (c) (1) the item "Plums....." (figure and effective date to be announced) is amended to read as follows:

Plums:
Oregon, Washington, California, Idaho and Utah..... \$55
(No permitted increase is provided for raw material costs for plums grown in states other than Oregon, Washington, California, Idaho and Utah.)

2. In the first table in section 2 (c) (1) the item "Apples....." (figure and effective date to be announced) is hereby deleted.

3. Section 2 (c) (2) is amended to read as follows:

(2) In the case of all fresh, frozen or packed fruit other than the fresh and frozen fruit named in subparagraph (1), above, and other than pineapples, quince, guava and tomatoes, he shall subtract the weighted average cost delivered at the factory of 1942 fruit purchased or contracted for during and prior to the 1942 base period, as computed under § 1341.302 (a) (3) of Maximum Price Regulation No. 226,² from the weighted average cost delivered at the factory of the particular variety of 1943 fresh, frozen or packed fruit purchased or contracted for during and prior to the applicable 1943 base period (after conversion to cents per unit of the finished product).

(i) "Weighted average cost delivered at the factory of the particular variety of 1943 fresh, frozen or packed fruit" means the total amount paid or contracted to be paid for fresh, frozen or packed fruit of the variety used in the flavor being priced, divided by the total number of pounds or other unit of that variety purchased or contracted for.

(ii) The "applicable 1943 base period," for the purpose of determining the weighted average cost delivered at the factory of the particular variety of 1943 fresh, frozen or packed fruit, shall be:

(a) The months of June, July, August and September for the following: fresh currants and apricots; frozen currants and apricots; and packed apricots and cherries.

(b) The months of August, September and October for the following: fresh elderberries and peaches (other than clingstone peaches and other than peaches grown in Oregon, Washington and California); frozen elderberries, frozen peaches, and frozen plums (Oregon, Washington, California, Idaho and Utah only); packed peaches; and packed

¹ 8 F.R. 13104, 13846, 15257.

² 8 F.R. 2981, 9201.

plums (Oregon, Washington, California, Idaho and Utah only).

(c) The months of October and November for the following: apples (including fresh apples, apple juice, apple concentrates and dried apple skins and cores); boiled cider; and frozen grapes.

(d) The "applicable base period" prescribed in subdivision (a), (b) or (c) for the variety which predominates by weight in the case of any mixed flavor.

(iii) "1943 fresh, frozen or packed fruit" shall include only fresh fruit or fruit which was packed or frozen during the year 1943.

(iv) In computing the weighted average cost delivered at the factory of 1943 fresh, frozen or packed fruit purchased or contracted for during and prior to the applicable 1943 base period, the packer shall exclude from the computation any amounts paid for fruit in excess of the following amounts (after conversion to cents per unit of the finished product):

(a) For all packed and frozen fruit, the maximum prices which the packer's supplier or suppliers were entitled to charge him under Maximum Price Regulation No. 306,² Maximum Price Regulation No. 409,³ Maximum Price Regulation No. 482,⁴ or other pertinent maximum price regulation, in the respective sales by which the packed and frozen fruits were acquired by the packer.

(b) For the following fresh fruit, the sum of (1) the weighted average cost delivered at the factory of 1942 fruit actually purchased or contracted for during and prior to the applicable 1942 base period and (2) the following respective amounts:

| Fresh fruit-variety: | | Cents per pound (raw weight) |
|--|-------|---------------------------------|
| Currents | ----- | 3 |
| Elderberries | ----- | 3 |
| | | Dollars per ton (raw weight) |
| Apricots | ----- | \$31 |
| Peaches, freestone: | | |
| (States other than Oregon, Wash- ington and California) | ----- | 10 |

(c) For fresh apples used in packing apple preserves, \$3.10 per one hundred pounds raw weight delivered to the packer's customary receiving point.

(d) For fresh apples used in packing apple jellies or combinations of apple jellies and other flavors, \$1.00 per one hundred pounds raw weight delivered to the packer's customary receiving point.

(v) "Packed", as used in this subparagraph (2), refers to fruit that has been canned or otherwise processed, but does not include frozen fruit.

4. The last sentence of section 2 (i) is amended by substituting the word "packer" for the word "processor".

² F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 5266, 6617, 9291, 10304, 10558, 10725, 10824, 10986, 11247, 11296, 11806, 12791, 13707, 14577.

³ 8 F.R. 8358, 9298, 11304, 11080, 11952.

⁴ 8 F.R. 14347.

5. The sentence in section 8 reading "Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice for it" is amended to read as follows:

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice or receive payment for it.

This amendment shall become effective November 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19011; Filed, November 26, 1943;
4:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 417, Amdt. 1]

FEED SCREENINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 417 is amended in the following respects:

1. Section 5 (a) (2) is amended to read as follows:

(2) At any given point in Area A, to wit: the States of Montana, North Dakota, South Dakota, or Minnesota (except Minneapolis and Duluth), the maximum price at Minneapolis less the lowest carload flat rail rate transportation charges from said point to Minneapolis or Duluth, whichever is lower: *Provided*,

(i) Where the point in question is a nonrail point, the maximum price shall be the maximum price at the rail point nearest thereto;

(ii) That the maximum price for a sale to any mixed feed manufacturer for use at his production plant located in this Area (except at Minneapolis or Duluth) shall be the maximum price at Minneapolis less the transit balance on a shipment of a carload quantity of feed screenings from said plant to Minneapolis or Duluth, whichever is lower; and

(iii) That the maximum price for a sale to any mixed feed manufacturer for use at his production plant located in Minneapolis or Duluth shall be the maximum price at Minneapolis or Duluth plus, if the feed screenings originates in either of said cities other than the one where said production plant is located, transportation charges at the lowest applicable domestic carload all rail rate between said two cities.

2. Section 5 (a) (4) is amended to read as follows:

(4) At any given point in Area C, to wit: any area not hereinbefore mentioned, the maximum price at Minneapolis plus the lowest domestic carload proportional all rail rate (or, if none, the lowest carload flat all rail rate) from Minneapolis (or Duluth if Duluth is the point of origin of the shipment) to the point of destination. As used in this subparagraph (4) the "point of destination" is any point other than a point in Area A or B, either that rail point constituting or nearest to the buyer's receiving point or a rate point selected to secure favorable transit rates. Further, whenever feed screenings purchased under this subparagraph (4) (or purchased with reference to this subparagraph where said subparagraph is a part of a formula to fix a maximum price for a sale by a person other than a producer) has moved from the immediate seller (either producer or other person where this subparagraph (4) is a part of a formula to fix a maximum price for a sale by a person other than a producer) to said point of destination in whole or in part by water, the foregoing maximum price shall be reduced by an amount equal to the difference between the actual water rate and said rail rate for the distance so moved by water.

2. Section 9 is amended to read as follows:

SEC. 9. *Maximum prices for wholesalers.* The maximum price for the sale of ground or unground feed screenings, bulk, by a wholesaler shall be \$2.50 per ton (maximum markup) over:

(a) The maximum price of the producer, commission merchant or jobber (from whichever he purchased the lot from out of which the sale is made) for a like sale at the wholesaler's place of unloading plus transportation charges actually incurred from said place of his unloading to his buyer's receiving point not exceeding a distance of 100 miles; or

(b) In the case of sales in carload quantities for delivery within Area C, the maximum price of a producer for the lot in question at Minneapolis plus the lowest domestic carload proportional rate (or, if none, the lowest carload flat all rail rate) from Minneapolis (or Duluth if Duluth is the point of origin of the shipment) to the buyer's receiving point.

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19019; Filed, November 26, 1943;
4:41 p. m.]

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS

[MPR 418, Amdt. 17]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment, has been issued simultaneously herewith, and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. Section 2 (b) is amended by deleting the words "Where a producer (fisherman), besides producing and bringing his catch to port" and inserting in their place the words "Where a producer, besides bringing fresh fish or seafood to port".

2. Section 3 (a) is amended by deleting the words "A sale by a primary fish shipper wholesaler is a sale by a person who buys fresh fish or seafood from a producer" and inserting in their place the words "A sale by a primary fish shipper wholesaler is a sale by a person who buys and receives fresh fish or seafood from a producer at a port of entry or inland".

3. In section 18 the definition "Producer" is amended to read as follows:

"Producer" means the fisherman and those persons allied with him in the catching and landing of fresh fish or seafood, and includes any person who sells or delivers at a port of entry or at any other place fresh fish or seafood which he bought and received on a vessel owned or hired by him.

4. In section 20, Tables A, B, C, D and E, the columns' heading "Price in cents per pound" is amended to read "Price per pound" and the "0" sign before the decimal point in each of the prices listed for Schedule I Item 1 in Tables A, B, C, D and E, is replaced by a "\$" sign.

5. In section 20, Table A, the designation footnote 33 is added to Item Nos. 1, 2, 3, 4, 5, 6 and 7 of Schedule No. 61.

6. In section 20, Table A, the sizes of Item Nos. 1, 2, 3, 4, 5, 6 and 7 of Schedule No. 61 are amended to read respectively as follows:

- Under 9 count per #.
- 9-12 count inclusive per #.
- Over 12-15 count inclusive per #.
- Over 15-18 count inclusive per #.
- Over 18-25 count inclusive per #.
- Over 25-39 count inclusive per #.
- Over 39 count inclusive per #.

7. Footnote 31 following Table A in section 20 is amended to read as follows:

*The maximum prices listed for this species of fish apply only to fish caught in Lake Superior, Lake Michigan, Lake Huron, and waters tributary thereto but not in Saginaw Bay, except that the maximum prices for Bluefin lake herring, weighing one pound or more in the round and caught in Green Bay, are the prices listed in Schedule No. 63.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

8. Footnote 33 is added at the end of Table A in section 20 to read as follows:

² When a producer delivers head-on shrimp from a port of entry to New Orleans, Louisiana, add the actual cost of such transportation, not to exceed \$1.50 per barrel (210#) of head-on shrimp, to the maximum prices listed.

9. In section 20, Table B, Item Nos. 1, 2, 3, 4, 5, 6 and 7 of Schedule No. 61 are amended to read as follows:

TABLE B—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER SALES OF FRESH FISH AND SEAFOOD

| Schedule No. | Name | Item No. | Style of dressing | Size (count per lb.) | Price per lb. January through December |
|--------------|-----------------------|----------|-------------------|------------------------|--|
| 61 | Shrimp and prawn..... | 1 | Head-on..... | Under 9..... | \$0.16½ |
| | | 2 | Head-on..... | 9 to 12 inc..... | .14½ |
| | | 3 | Head-on..... | Over 12 to 15 inc..... | .12½ |
| | | 4 | Head-on..... | Over 15 to 18 inc..... | .10½ |
| | | 5 | Head-on..... | Over 18 to 25 inc..... | .08½ |
| | | 6 | Head-on..... | Over 25 to 39 inc..... | .07½ |
| | | 7 | Head-on..... | Over 39..... | .05½ |

10. In section 20, Table C, Item Nos. 1, 2, 3, 4, 5, 6 and 7 of Schedule No. 61 are amended to read as follows:

TABLE C—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES AND SALES BY WHOLESALERS OTHER THAN PRIMARY FISH SHIPPER WHOLESALERS TO OTHER WHOLESALERS OF FRESH FISH AND SEAFOOD

| Schedule No. | Name | Item No. | Style of dressing | Size (count per lb.) | Price per lb. January through December |
|--------------|-------------------------------------|-----------------|-------------------|------------------------|--|
| 61 | Shrimp and prawn ³ | 1 ³⁴ | Head-on..... | Under 9..... | \$0.16½ |
| | | 2 ³⁴ | Head-on..... | 9 to 12 inc..... | .14½ |
| | | 3 ³⁴ | Head-on..... | Over 12 to 15 inc..... | .12½ |
| | | 4 ³⁴ | Head-on..... | Over 15 to 18 inc..... | .10½ |
| | | 5 ³⁴ | Head-on..... | Over 18 to 25 inc..... | .08½ |
| | | 6 ³⁴ | Head-on..... | Over 25 to 39 inc..... | .07½ |
| | | 7 ³⁴ | Head-on..... | Over 39..... | .05½ |

11. Footnote 34 is added at the end of Table C to read as follows:

³⁴ For sale of this item by a retailer-owned cooperative, it may add 1½ cents to the maximum prices listed.

12. In section 20, Table D, Item Nos. 1, 2, 3, 4, 5, 6 and 7 of Schedule No. 61 are amended to read as follows:

TABLE D—MAXIMUM PRICES FOR CASH AND CARRY SALES OF FRESH FISH AND SEAFOOD

| Schedule No. | Name | Item No. | Style of dressing | Size (count per lb.) | Price per lb. January through December |
|--------------|-----------------------|----------|-------------------|------------------------|--|
| 61 | Shrimp and prawn..... | 1 | Head-on..... | Under 9..... | \$0.18½ |
| | | 2 | Head-on..... | 9 to 12 inc..... | .16½ |
| | | 3 | Head-on..... | Over 12 to 15 inc..... | .14½ |
| | | 4 | Head-on..... | Over 15 to 18 inc..... | .12½ |
| | | 5 | Head-on..... | Over 18 to 25 inc..... | .11 |
| | | 6 | Head-on..... | Over 25 to 39 inc..... | .09½ |
| | | 7 | Head-on..... | Over 39..... | .08 |

13. In section 20, Table E, Item Nos. 1, 2, 3, 4, 5, 6 and 7 of Schedule No. 61 are amended to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SEAFOOD

| Schedule No. | Name | Item No. | Style of dressing | Size (count per lb.) | Price per lb. January through December |
|--------------|-----------------------|----------|-------------------|------------------------|--|
| 61 | Shrimp and prawn..... | 1 | Head-on..... | Under 9..... | \$0.21½ |
| | | 2 | Head-on..... | 9 to 12 inc..... | .19½ |
| | | 3 | Head-on..... | Over 12 to 15 inc..... | .17½ |
| | | 4 | Head-on..... | Over 15 to 18 inc..... | .15½ |
| | | 5 | Head-on..... | Over 18 to 25 inc..... | .13½ |
| | | 6 | Head-on..... | Over 25 to 39 inc..... | .12 |
| | | 7 | Head-on..... | Over 39..... | .10½ |

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9228, 3 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES, Administrator.

[F. R. Doc. 43-19020; Filed, November 26, 1943; 4:42 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,¹ Incl. Amdt. 106]

MACHINES AND PARTS, AND MACHINERY SERVICES

Sections 1390.2 (g), 1390.3, 1390.9 (a) (1), (b), 1390.10 (a), (c) (1), (d), (e) (1), (2), 1390.12 (a), (b), 1390.18 (c), 1390.20 (a), 1390.25 (a) (21), 1390.32 (j), 1390.33 (c) and 1390.35 (e) amended and 1390.25 (a) (45) added by Amendment 106, effective December 1, 1943, so that Maximum Price Regulation No. 136 shall read as follows:

In the judgment of the Price Administrator the prices of machines and parts and machinery services have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of machines and parts and machinery services prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order 70, 8 F.R. 12556, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 136, as amended, is hereby issued.

Sec.

- 1390.1 Definition of "machines and parts" and "machinery services".
- 1390.2 Exclusions.
- 1390.3 Prohibition against dealing in machines or parts, machinery services, or the rental of machines or parts at prices above the maximum.

¹ 7 F.R. 5047, 5362; 8 F.R. 5746.

² Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

Sec.

- 1390.4 Maximum prices: general provisions.
- 1390.5 Maximum prices: published price lists and established prices.
- 1390.6 [Revoked]
- 1390.7 Maximum prices: sales by the manufacturer of machines or parts without list prices.
- 1390.8 Maximum prices: sales by the manufacturer of machines or parts manufactured in new or converted plants.
- 1390.8a Maximum prices for fixed capacitors of the type and size used for military radio and radar equipment.
- 1390.9 Maximum prices: machinery services.
- 1390.10 Maximum prices: sales by sellers other than the manufacturer.
- 1390.11 Maximum prices: sales of second-hand machines and parts.
- 1390.12 Maximum prices: leases.
- 1390.13 New list prices.
- 1390.14 Reports on cost-plus contracts.
- 1390.15 Emergency service charges.
- 1390.16 Federal and state taxes.
- 1390.17 Export sales.
- 1390.18 Contract prices, renegotiations, price-adjustment agreements, and price increases.
- 1390.19 Less than maximum prices.
- 1390.20 Evasion.
- 1390.21 Developmental contracts and subcontracts.
- 1390.22 Secret contracts.
- 1390.23 Emergency purchases.
- 1390.24 Privileges accorded to certain foreign governments.
- 1390.25 Petitions for amendment.
- 1390.25a Adjustments.
- 1390.26 Records and additional or substituted reports.
- 1390.27 Sales slips and receipts.
- 1390.28 Transfer of business or stock in trade.
- 1390.29 Enforcement.
- 1390.29a Licensing.
- 1390.30 Definitions.
- 1390.31 Effective date.
- 1390.31a Effective dates of amendments.
- 1390.32 Appendix A: Machines and parts to which the October 1, 1941, date is applicable.
- 1390.33 Appendix B: Machines and parts to which the March 31, 1942, date is applicable.
- 1390.34 Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136.
- 1390.35 Appendix D: Table of depreciation rates.
- 1390.36 Appendix E: Form for application for adjustment.

AUTHORITY: §§ 1390.1 to 1390.36, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1390.1 Definition of "machines and parts" and "machinery services." For the purposes of this Maximum Price Regulation No. 136, as amended:

(a) The term "machines and parts" means, and is limited to, products falling within the groups listed in § 1390.32, Appendix A, and § 1390.33, Appendix B. Any other product is subject to the General Maximum Price Regulation,⁴ unless excluded therefrom or unless subject to some other specific regulation. For purposes of clarification, a list of certain products related to machinery but not covered by this Maximum Price Regulation No. 136, as amended, is contained in § 1390.34, Appendix C;

⁴ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

(b) The term "machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a "machine or part" owned by another or of a product owned by another which, as a result of such operation, becomes a "machine or part", except that the machining of a gear, pinion, or sprocket in connection with the production thereof, whether or not performed on material furnished by the customer, shall in no event be deemed a "machinery service", but shall in all cases be deemed to constitute the sale of a gear, pinion, or sprocket, respectively. The term "machinery service" also includes any service rendered in connection with the manufacture of automotive parts (as defined in Maximum Price Regulation 452—Manufacturers' Maximum Prices for Automotive Parts).

[Paragraph (b) amended by Am. 62, 7 F.R. 10230, effective 12-11-42 and Am. 101, 8 F.R. 14617, effective 11-4-43]

§ 1390.2 Exclusions. This Maximum Price Regulation No. 136, as amended, shall not apply to:

(a) Any sale or delivery of a machine or part or any machinery service for which a maximum price is established by any other regulation or order issued by the Office of Price Administration,⁵ except the General Maximum Price Regulation;

(b) Any sale or delivery of a machine or part if, prior to July 22, 1942, such machine or part had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser;

(c) Any sale or delivery of a machine or part or machinery service performed pursuant to a "developmental" contract or subcontract, as provided in § 1390.21;

(d) Any sale or delivery of a machine or part or any machinery service performed pursuant to a "secret" contract or subcontract, as provided in § 1390.22;

(e) Any sale or delivery of a machine or part or any machinery service performed pursuant to an "emergency purchase", as provided in § 1390.23;

(f) Any sale or delivery at retail of a machine or part by a person other than the manufacturer thereof, except that the sale or delivery at retail of automotive trucks, trailers and busses as described in § 1390.33 (c) shall not be excluded from, but shall be covered by, this regulation. For the purpose of this exclusion, a sale or delivery is deemed to be "at retail" (1) when made to an ultimate consumer, other than an industrial, commercial, or gov-

⁵ See for example, Maximum Price Regulation No. 1—Second-Hand Machine Tools (8 F.R. 10116, 13104); Revised Price Schedules No. 67—New Machine Tools (7 F.R. 1337, 2105, 2000, 2472, 2473, 2680, 2996, 3445, 3820, 4176, 5513, 5987, 7239, 7834, 8928, 8948, 9039, 9052, 9053, 11074); No. 82—Wire Cable, and Cable Accessories (7 F.R. 1353, 2133, 7034, 8948); and Maximum Price Regulation No. 134—Construction and Road Maintenance Equipment Rental Prices (8 F.R. 9140).

ernmental user, or (2) when made (i) from a store, shop or mail-order house where sales are predominantly made to such ultimate consumers, (ii) at a price ordinarily charged such ultimate consumers (iii) to a purchaser of a class to whom sales were regularly made on or prior to October 1, 1941, at the prices ordinarily charged such ultimate consumers.

[Paragraph (f) amended by Am. 25, 7 F.R. 7912, effective 10-9-42 and Am. 96, 8 F.R. 10662, effective 8-12-43]

(g) Any sale or delivery of a machine or part or any machinery service performed pursuant to a cost-plus-a-fixed-fee or cost-plus-a-percentage-of-cost contract: *Provided*, That a report is filed with the Office of Price Administration as provided in § 1390.14. The exemption granted by this paragraph is not applicable to machines or parts or machinery services for which the manufacturer, seller or machinery service supplier had a published list price or established price in effect on the base date for the machine or part or machinery service. When used in this paragraph the term "established price in effect on the base date" has the same meaning as that given to the term "established price in effect on October 1, 1941" by paragraph (c) of § 1390.5, except that the base date of the machine or part or machinery service shall be substituted for the date October 1, 1941.

[Paragraph (g) as amended by Am. 106, effective 12-1-43]

(h) Any lease of the following items:

- (1) Public address systems.
- (2) Electric storage batteries.
- (3) Surveying and drafting instruments, and engineering reproduction equipment.

[Paragraph (h) added by Am. 3, 7 F.R. 6425, effective 8-19-42]

(i) Any machinery service performed in connection with the following:

- (1) The repairing of public address systems.
- (2) The repairing of electric storage batteries (including the charging and recharging thereof).
- (3) The repairing of X-ray and electro-therapeutic apparatus.
- (4) The repairing of surveying and drafting instruments, and engineering reproduction equipment.
- (5) The maintenance, repair or rebuilding of automotive parts, subassemblies or accessories.

[Subparagraph (5) added by Am. 25, 7 F.R. 7912, effective 10-9-42]

[Paragraph (i) added by Am. 3, 7 F.R. 6425, effective 8-19-42]

(j) Any sale of a machine or part pursuant to a rental contract entered into prior to July 22, 1942, which provided for the transfer of title to the machine or part from the lessor to the lessee upon the payment in rentals, over and above a monthly carrying charge, of an amount equal to the valuation of the machine or

part, as agreed upon at the time the contract was entered into.

[Paragraph (j) added by Am. 27, 7 F.R. 7944, effective 10-10-42]

(k) Any sale or delivery of second-hand snowplows to the United States Army.

[Paragraph (k) added by Am. 32, 7 F.R. 8479, effective 10-24-42]

(l) Any sale or delivery, until April 1, 1943, of a fixed capacitor designed and sold exclusively for use in military radio or radar apparatus.

[Paragraph (l) added by Am. 36, 7 F.R. 8897, effective 9-26-42 and amended by Am. 64, 8 F.R. 155, effective 1-1-43]

(m) Any sale or delivery to an agency of the United States of any complete plant for the manufacture of rubber tires.

(n) Any sale by any distiller to the Defense Plant Corporation of any still or fractionating column, or part thereof, installed or held as spare operating equipment.

[Paragraphs (m) and (n) added by Am. 58, 7 F.R. 9899, effective 11-26-42]

(o) Any lease of machines and parts by Defense Plant Corporation under a contract of lease which provides that machinery and equipment will be brought within the scope of the lease after purchase by the Defense Plant Corporation or the lessee for the account of Defense Plant Corporation but which contract of lease does not provide for specific rental prices allocable to specific machines or parts.

[Paragraph (o) added by Am. 72, 8 F.R. 3848, effective 4-2-43]

(p) Any sale or delivery by Isolantite, Inc., Belleville, New Jersey, of steatite insulators for the period from March 16, 1943, to October 1, 1943. The following conditions attach to this exclusion:

(1) Isolantite shall, upon each sale and delivery of steatite insulators made by it during the period of exclusion, include on, or attach to, each of its invoices for such sale, a written or printed statement to the effect that the prices charged have not been approved by the Office of Price Administration, but that it has been granted temporary exemption from the provisions of Maximum Price Regulation No. 136, as amended.

(2) Isolantite shall file with the Office of Price Administration, Washington, D. C., within five days after the same are prepared, one copy of all audit reports and profit and loss statements, made by it or for it during the period of exclusion.

[Paragraph (p) added by Am. 86, 8 F.R. 7106, effective 5-31-43 and amended by Am. 98, 8 F.R. 12748, effective 9-15-43]

§ 1390.3 Prohibition against dealing in machines or parts, machinery services, or the rental of machines or parts at prices above the maximum. (a) On and after July 22, 1943, regardless of the terms of any contract, lease or other obligation:

(1) No person shall sell, deliver, lease, rent or negotiate the sale or lease of any machine or part, or supply or negotiate the supply of any machinery service, at a price higher than the maximum fixed by this regulation.

(2) No person, in the course of trade or business, shall buy, rent, lease or receive any machine or part or machinery service at a price higher than the maximum fixed by this regulation. If the purchaser or lessee receives from the seller or lessor a written statement that the price does not exceed the maximum price, and if the purchaser or lessee has no reason to doubt the validity of this statement, the purchaser or lessee shall be deemed to have complied with this subparagraph.

(3) No person shall agree, offer, solicit or attempt to do any of the acts prohibited by subparagraphs (1) and (2).

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to:

(1) The United States or any agency thereof;

(2) The government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act; or

(3) Any contracting officer of any of the foregoing, and, with respect to purchases made in his official capacity, any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

[§ 1390.3 amended by Am. 89, 8 F.R. 7261, effective 6-3-43 and Am. 106, effective 12-1-43]

§ 1390.4 Maximum prices; general provisions. (a) The base date for machines and parts set forth in § 1390.32, Appendix A, is October 1, 1941; the base date for machines and parts set forth in § 1390.33, Appendix B, and for all machinery services is March 31, 1942. In applying the provisions of this Maximum Price Regulation No. 136, as amended, to the machines and parts set forth in Appendix B, the date March 31, 1942 shall be substituted for the date October 1, 1941 wherever it appears in this Maximum Price Regulation No. 136, as amended. Such substitution, however, shall not be made in § 1390.10 (b) which applies only to machines and parts set forth in Appendix A.

(1) Notwithstanding the foregoing provisions of this paragraph (a) and notwithstanding the title of § 1390.32, Appendix A, the base date for gears, pinions, sprockets, and speed reducers, as listed in paragraph (1) of Appendix A, shall be October 15, 1941. In applying the pro-

visions of this Maximum Price Regulation No. 136, as amended, to gears, pinions, sprockets, and speed reducers, as listed in paragraph (1) of Appendix A, the date October 15, 1941, shall be substituted for the date October 1, 1941, wherever that date appears. Corresponding changes shall be made in the dates mentioned in paragraph (b) of § 1390.10.

[Subparagraph (1) added by Am. 62, 7 F.R. 10230, effective 12-11-42]

(b) Notwithstanding any provision of this Maximum Price Regulation No. 136, as amended:

(1) The maximum price for the sale or delivery by the manufacturer of any machine or part set forth in Administrative Notice No. 1^a or any amendments thereto shall be the price provided for therein;

(2) The maximum price for the sale or delivery by a seller other than the manufacturer of any machine or part set forth in Administrative Notice No. 1 or any amendments thereto, for which the manufacturer has published a list price in accordance with Administrative Notice No. 1 or any amendments thereto, shall be such list price, subject to all applicable extra charges, discounts or other allowances which such seller had in effect on October 1, 1941.

§ 1390.5 *Maximum prices; published price lists and established prices—(a) Applicability of this section.* This section is applicable to the sale or rental of any machine or part for which the manufacturer, seller or lessor had a published price list or established price in effect on October 1, 1941. However, this section is not applicable to the sale of second-hand machines or parts.

(b) *Prices.* The maximum price for the sale or rental by a manufacturer, seller or lessor of any machine or part covered by this section shall be the price stated in the published price list of the manufacturer, seller or lessor in effect on October 1, 1941, or the established price that he had in effect on that date, adjusted to reflect all applicable extra charges, discounts or other allowances that he had in effect to a purchaser of the same class on October 1, 1941.

(c) *Meaning of "established price in effect on October 1, 1941".* An "established price in effect on October 1, 1941" is:

(1) A price which had been quoted or charged to the same class of purchasers more than twice during the six months' period prior to and including October 1, 1941, and which was not increased on or before that date;

(2) A price which had been quoted or charged to a different class of purchasers more than twice during the six months' period prior to and including October 1, 1941, and which was not increased on or before that date, adjusted to reflect the October 1, 1941, differ-

tial between the two classes of purchasers; or

(3) A price which would have been quoted on October 1, 1941, under a system of quoting prices without further cost computation.

(d) *Reports.* On or before December 3, 1943, every manufacturer, seller and lessor subject to this regulation shall file with the Office of Price Administration, Washington, D. C., if he has not already done so, all published price lists and discount sheets in effect on October 1, 1941, for the sale or rental of machines or parts. However, the manufacturer of any machine shall not be required to file list prices in effect on October 1, 1941, for repair parts for such machines or mechanical devices or for tools used in the maintenance and repair of such machines or mechanical devices, unless such filing is specifically required in writing by the Office of Price Administration. Any person who on October 1, 1941, sold, leased or delivered machines or parts at prices based upon price sheets published by any other person subject to this regulation need not file such other person's published price sheets but shall file instead a statement identifying the particular price sheets he used on that date, together with his own discount sheets, if any, and a statement of any prices which constitute exceptions to such practice.

(e) *Specification changes.* Notwithstanding the provisions of paragraph (a), if substantial specification changes are made in any machine or part for which the manufacturer, seller or lessor had a published list price or established price in effect on October 1, 1941, the maximum price of such machine or part shall be determined pursuant to §§ 1390.7, 1390.10 (c) or 1390.12 (b), whichever is applicable. Within ten days after making such change in price, or at any time prior thereto, a report shall be filed with the Office of Price Administration, Washington, D. C. This report shall contain a description of the machine or part in question and of the specification changes, and a statement of the former price and of the proposed price. If it is desired to issue a new list price, a report shall be filed pursuant to § 1390.13.

[§ 1390.5 amended by Am. 56, 7 F.R. 9822, effective 7-22-42 and Am. 103, 8 F.R. 14763, effective 11-3-43]

§ 1390.6 [Revoked]

[§ 1390.6 revoked by Am. 103, 8 F.R. 14763, effective 11-3-43]

§ 1390.7 *Maximum prices; sales by the manufacturer of machines or parts without list prices.* If for any machine or part the manufacturer thereof had no published list price or established price in effect on October 1, 1941, the maximum price for the sale of such machine or part to any purchaser shall be computed on the basis of the following:

[Above paragraph as amended by Am. 103, 8 F.R. 14763, effective 11-3-43]

(a) *Pricing formula.* (1) The price-determining method which was in use on

October 1, 1941, applying the overhead rate, machine hour rates, if any, or other bases of computation which were in use on that date. If no such method was in use on October 1, 1941, the manufacturer shall use the method which would have been used on that date, applying the overhead rate, machine hour rates, if any, or other bases of computation which were in use or would have been used on that date. For the purposes of this subparagraph (1), the method of determining the total price in a cost-plus contract shall not be deemed to be a "price-determining method";

(2) To the extent that the price-determining method includes or is based on direct labor costs, the manufacturer shall use labor rates in effect on October 1, 1941, determined and applied in accordance with the provisions of paragraph (b) below;

(3) To the extent that the price-determining method includes or is based on prices paid for materials, the manufacturer shall use material prices in effect on October 1, 1941, determined and applied in accordance with the provisions of, and subject to the exceptions contained in, paragraph (c) below;

(4) To the extent that the price-determining method includes or is based on prices paid for subcontracted services, whether machinery services or otherwise, the manufacturer shall use actual prices paid or to be paid for such subcontracted services, not in excess of applicable maximum prices;

[Subparagraph (4) as amended by Am. 54, 7 F.R. 9729, effective 11-25-42]

(5) To the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942, or current freight rates, whichever are lower, for outbound shipments for the mode of transportation actually used and for inbound shipments for the mode of transportation actually used and from the actual point of origin.

[Subparagraph (5) as amended by Am. 90, 8 F.R. 7767, effective 6-14-43]

(6) For the labor required for installation if the machine or part is sold on an installed basis: labor rates in the area of installation in effect on, or resulting from an agreement concluded or from a grant made or announced on or before April 27, 1942, or, where the wage stabilization agreement issued May 22, 1942 between the Building and Construction Trades Department of the American Federation of Labor and certain agencies of the United States is applicable or where such rates have become the prevailing rates in that area, labor rates in effect on July 1, 1942.

[Subparagraph (6) as amended by Am. 83, 8 F.R. 5818, effective 5-8-43]

(7) All applicable extra charges, discounts or other allowances in use on October 1, 1941 to a purchaser of the same class.

(8) To the extent that the price-determining method includes or is based on prices paid for perishable tools, dies,

^a 7 F.R. 2984, 3690, 5453, 5688, 7926. Administrative Notice No. 1 sets forth exceptions from the provisions of voluntary price agreements and arrangements.

molds, patterns, or work-holding devices, the manufacturer shall use actual prices paid or to be paid for such items, not in excess of maximum prices provided by this Maximum Price Regulation No. 136, as amended, determined in accordance with paragraph (c) (4) below.

[Subparagraph (8) added by Am. 54, 7 F.R. 9729, effective 11-25-42]

(b) *Labor rates.* (1) "Labor rates in effect on October 1, 1941" are the labor rates prevailing on that date in the manufacturer's plant for each classification of labor. If the manufacturer employs labor of a particular classification not employed in such plant on October 1, 1941, he shall apply the rate prevailing on that date for such classification in the locality in which the manufacturing is to be performed. If labor of such classification was not employed on October 1, 1941 in such locality, the manufacturer shall apply the rate prevailing on that date for the nearest skill in the nearest comparable locality, as accurately as he is able to determine the same by reasonably diligent inquiry.

(2) The permitted labor cost to be used in the pricing formula provided in paragraph (a) is to be determined by applying to the clock hours of each classification of labor estimated to be required on the basis of previous production experience, or, where an estimate is not used, to the clock hours actually required, the hourly rate for such classification in effect on October 1, 1941. If on October 1, 1941, an average rate was used, an average rate may be applied: *Provided*, That the labor rates and the method of computing the average in effect on October 1, 1941, are used. If individuals have been or are promoted from one classification to another because of increased efficiency, the higher rates may be used: *Provided*, That such higher rates may not be used if they result in increased prices.

(3) In determining the price for a firm price contract, the amount of overtime estimated to be required in excess of that provided for in the overhead or machine hour rate may be added to the estimated cost of labor. Further, the amount of overtime actually required in an unforeseen contingency, over and above the amount estimated, if any, may be added to the price if the purchaser agrees and if it is billed separately: *Provided*, That no markup, overhead, or profit shall be applied to that part of the labor cost which is in excess of the straight-time cost, except that no adjustment of the overhead rate or machine hour rate in effect on October 1, 1941, shall be required.

(c) *Material prices.* (1) The term "material prices" includes the prices for raw materials, and for materials or products which have been processed or fabricated to any degree, including parts and subassemblies.

(2) The permitted material cost to be used in the pricing formula provided in paragraph (a) is to be determined by applying material prices as determined in subparagraph (3) below to the quantities of materials estimated to be required on the basis of previous production experience or, where an estimate is not used, the quantities actually required.

(3) Except as provided in subdivisions (i) and (ii) below, the manufacturer shall use the lower of the following two prices: the price for the material which was or would have been paid by him on October 1, 1941, or the actual price for such material paid or to be paid, not in excess of the applicable maximum price.

(i) For any part or subassembly purchased, the manufacturer shall use the actual price for such part or subassembly paid or to be paid, not in excess of the applicable maximum price. For the purposes of this paragraph, the term "parts and subassemblies" means, in addition to products covered by Maximum Price Regulation No. 136, as amended, products covered by Revised Price Schedule No. 82—Wire, Cable and Cable Accessories, Maximum Price Regulation No. 119—Original Equipment Tires and Tubes, No. 147—Bolts, Nuts, Screws, and Rivets, and No. 149—Mechanical Rubber Goods, and materials bought on an installed basis in the process of erection of a machine or parts sold on an erected and installed basis.

[Subparagraph (i) as amended by Am. 54, 7 F.R. 9729, effective 11-25-42]

(ii) For any material for which the manufacturer is unable by reasonable diligence to determine the price he would have paid on October 1, 1941, the manufacturer shall use the actual price for such material paid or to be paid, not in excess of the applicable maximum price. In no event shall this subdivision (ii) apply if the material had a published price in effect on October 1, 1941, or if the manufacturer purchased such material on or about October 1, 1941, or if the manufacturer's supplier of the material, or one of the manufacturer's suppliers, was selling such material on or about October 1, 1941.

(4) Where the "actual price to be paid" for any material (including any part or subassembly) or machinery service is required or permitted to be used by the provisions of subparagraph (3) above, or of subparagraph (4) of paragraph (a), in calculating such price:

(i) The manufacturer shall use the price estimated by his supplier, if available: *Provided*, That the manufacturer has no reason to believe that the price so estimated exceeds the applicable maximum price; or

(ii) If a price estimated by a supplier is not available at the time he estimates his price, the manufacturer shall use his own estimate of the price to be paid for the material or machinery services: *Provided*, That if the price so estimated exceeds the actual price charged by the supplier, such actual price, not to exceed the supplier's maximum price, shall be substituted in the pricing formula and the manufacturer's maximum price recomputed accordingly. If the price so estimated is less than the actual price charged by the supplier, such actual price, not to exceed the supplier's maximum price, may be substituted in the pricing formula and the manufacturer's maximum price recomputed accordingly.

(d) *Reports.* If the price of any machine or part computed in accordance with the provisions of this section is at any time increased above the price

charged on the previous sale or delivery, or is increased above the original contract price by renegotiation or by a price adjustment clause, unless the increase is definitely assignable to a change in specifications or a change in conditions of delivery, the manufacturer thereof shall file the report required by § 1390.18 (g).

§ 1390.8 *Maximum prices; sales by the manufacturer of machines or parts manufactured in new or converted plants.* If the manufacturer is unable to determine the maximum price for any machine or part pursuant to the provisions of § 1390.7 because such machine or part is manufactured in a new or converted plant or for any other reason:

(a) *Price-determining method.* The manufacturer shall establish a price-determining method and rates for use therein (labor rates, machine hour rates, overhead rates, and profit rates, etc.) for the determination of the maximum price for such machine or part, conforming so far as possible to the provisions of § 1390.7. The overhead rate so established shall be a reasonable rate in the light of the operations to be performed, and shall, so far as possible, be based on costs for items of overhead in effect on October 1, 1941. In the case of a newly constructed plant, however, the manufacturer may use as a base date for all purposes the date upon which price quotations were first made or upon which production was started in the plant, whichever is earlier, and shall use the labor rates for each classification of labor prevailing on that date in the locality of the plant, determined in accordance with § 1390.7 (b).

(b) *Reports.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing (1) the proposed price-determining method and rates used in establishing maximum prices as provided in paragraph (a); (2) a description of the items for which the maximum price is to be computed under such price-determining method; (3) a representative sample of prices computed in accordance with the proposed price-determining method; (4) an explanation of the circumstances necessitating pricing under this section; (5) relevant data bearing on the price-determining method and rates to be used, including evidence that such method and rates were determined as provided in paragraph (a); (6) a statement of whether or not quantity production has been achieved or is anticipated; (7) a brief description of the newly constructed or converted plant; and (8) any other data which the Office of Price Administration may in writing require.

(c) *Maximum prices.* (1) Prices computed in accordance with the proposed method reported under paragraph (b) may be quoted or charged for thirty days prior to filing such report and may be quoted or charged thereafter until the Office of Price Administration disapproves such price in writing or requires a new filing under paragraph (b). If the Office of Price Administration approves the proposed price-determining method and the prices of the machines

or parts whose maximum prices are to be computed in accordance therewith, or fails to disapprove them within thirty days after receiving such report, the maximum prices for such machines or parts shall be determined in accordance with the proposed price-determining method until a new price-determining method is proposed and reported either upon the initiative of the manufacturer or as required by the Office of Price Administration.

(2) Within thirty days after receiving such report, the Office of Price Administration may in writing disapprove the proposed price-determining method and the prices resulting from its use, and upon such disapproval the manufacturer shall file a revised price-determining method in accordance with the suggestions and directions contained in such disapproval, and the provisions of this section shall apply in all respects to such revised method. In disapproving any proposed price-determining method, the Office of Price Administration may require the manufacturer to adjust all contracts made at prices determined pursuant to such method and may require that refunds be made as to all deliveries made at prices determined pursuant to such method. Such disapproval and requirement of refunds shall, upon request of the manufacturer, be embodied in an order.

(d) Not later than six months after last filing a price-determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing (1) a comparison of his actual direct and indirect costs for the period under review, with the estimates on which the price-determining method being used was based and (2) so far as available, for each of the representative items for which prices were previously filed, the current price being charged, and a comparison of the actual direct and indirect costs with the estimate on which the price previously filed was based.

(e) Any manufacturer may at any time file, and the Office of Price Administration may at any time require the filing of a new or revised price-determining method in accordance with the provisions of this section, together with a representative sample of prices determined in accordance with such method.

[§ 1390.8 as amended by Am. 71, 8 F.R. 3370, effective 3-24-43]

§ 1390.8a *Maximum prices for fixed capacitors of the type and size used for military radio and radar equipment.* Notwithstanding any other provisions of this regulation, the maximum prices for fixed capacitors of the type and size used for military radio and radar equipment shall be determined in accordance with the provisions of this section.

(a) *Maximum prices; price lists.* The maximum price for fixed capacitors of the type and size used for military radio and radar equipment shall be the price stated in the price list of the seller in effect on April 1, 1943 less all discounts, allowances and any other deductions from the list price in effect to a purchaser

of the same class on that date. This price is subject to the approval of the Office of Price Administration in accordance with the provisions of paragraph (e).

(b) *Maximum prices; formula pricing.* If a fixed capacitor of the type and size used for military radio and radar equipment cannot be priced in accordance with the provisions of paragraph (a), its maximum price shall be determined by using the price-determined method the seller used on April 1, 1943. In applying that price-determining method a manufacturer must use labor rates and materials prices in effect to him on April 1, 1943. The price-determining method used to compute maximum prices under this paragraph is subject to the approval of the Office of Price Administration in accordance with the provisions of paragraph (e).

(c) *Mica capacitors.* Manufacturers of mica capacitors may add to the maximum price determined in accordance with the provisions of paragraph (a) or (b) increases in unit costs due to increases realized subsequent to April 1, 1943, in the cost of block mica and in the cost of splitting and cutting mica film, except that nothing in this paragraph shall permit the addition of an increase in costs due to an increase in labor rates subsequent to April 1, 1943. Sellers other than manufacturers may increase the prices of mica capacitors by the amount that prices have been increased to them pursuant to the provisions of the preceding sentence.

(d) *New list prices.* (1) Any person who desires or is required in writing by the Office of Price Administration to establish a list price for fixed capacitors of the type and size used for military radio and radar equipment shall file a report pursuant to subparagraph (2) hereof containing a proposed price determined under paragraph (b), and such price shall thereafter be the maximum price: *Provided*, That the Office of Price Administration either approves such price in writing or fails to disapprove it within 30 days after the receipt of the report. Such price may be disapproved only on the ground that it was not computed in accordance with the provisions of paragraph (b) or because the Office of Price Administration finds that a computation at a later date may result in a lower maximum price.

(2) Under the circumstances set forth in subparagraph (1), a report shall be filed with the Office of Price Administration in Washington, D. C., containing the proposed list price, the proposed effective date, the class or classes of purchasers to whom such price is to be quoted, all relevant data used in determining such price, and evidence that such price was determined in accordance with the provisions of paragraph (b).

(e) *Approval of maximum prices—(1) Reports.* Every seller of fixed capacitors of the type and size used for military radio and radar equipment shall file with the Office of Price Administration, in Washington, D. C., before April 30, 1943, a report stating the maximum prices established by this section, the method

by which he determined those prices, and the discounts, allowances and other price differentials in effect therefor on April 1, 1943. The report filed by sellers other than manufacturers shall be accompanied by a list of the cost prices to such sellers.

(2) *Approval.* Each maximum price and price-determining method reported in the manner just set forth shall be subject to the approval of the Office of Price Administration within 30 days after the receipt of the report. Within five days prior to filing such report, the seller may quote, contract, sell or deliver at the proposed price; but final settlement shall be made in accordance with the action of the Office of Price Administration on the report and, if required by the Office of Price Administration, refunds shall be made.

[§ 1390.8a added by Am. 79, 8 F.R. 4524, effective 4-1-43]

§ 1309.9 *Maximum prices; Machinery services—(a) (1) Services with list or established prices.* If for any machinery service the supplier had a published machine hour rate, established price or other charge in effect on March 31, 1942, the maximum price to any purchaser for such machinery service shall be the net price which the supplier would have received on that date from a purchaser of the same class. When used in this subparagraph the term "established price in effect on March 31, 1942" has the same meaning as that given to the term "established price in effect on October 1, 1941" by paragraph (c) of § 1390.5, except that the date March 31, 1942, shall be substituted for the date October 1, 1941.

[Subparagraph (1) as amended by Am. 106, effective 12-1-43]

(2) *Reports.* On or before August 1, 1942, every machinery service supplier subject to this Maximum Price Regulation No. 136, as amended, shall file with the Office of Price Administration, Washington, D. C., if he has not already done so, all his published and confidential machine hour rates, charge sheets, and discount sheets in effect on March 31, 1942, for machinery services.

(b) *Services without list or established prices.* If for any machinery service a supplier had no such published or established rate or charge in effect on March 31, 1942, the maximum price for such machinery service to any purchaser shall be determined in accordance with the applicable provisions of § 1390.7, except that the date March 31, 1942, shall be substituted for the date October 1, 1941.

[Paragraph (b) as amended by Am. 106, effective 12-1-43]

(c) *New or converted plants.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, if any machinery service is performed in a newly constructed plant or if the supplier is unable to determine the maxi-

imum price for any machinery service because it is performed in a converted plant or for any other reason:

(1) *Price.* The maximum price for each sale of such machinery service shall be a price determined so far as possible in accordance with paragraph (b) of this section and reported pursuant to subparagraph (2) below: *Provided*, That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to filing such report and during such thirty-day period, the supplier may quote, contract or perform such machinery service at the proposed price, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made.

(2) *Report.* Such supplier shall file a report with the Office of Price Administration, Washington, D. C., containing the proposed price, the proposed billing date, a statement of whether or not such machinery service had a published or confidential rate or charge in effect on March 31, 1942, all relevant price-determining data including evidence that the proposed price was determined so far as possible in accordance with paragraph (b) of this section, and a brief description of the newly constructed or converted plant. If the supplier desires such price to become the maximum price applicable to such machinery services thereafter performed, a statement that the report is also being filed pursuant to § 1390.13 should be made.

§ 1390.10 *Maximum prices; sales by sellers other than the manufacturer—*

(a) *Machines and parts with list or established prices.* If for any machine or part a seller other than the manufacturer thereof had a published list price or established price in effect on October 1, 1941, (as defined in § 1390.5 (c)), the maximum price shall be determined as provided in § 1390.5.

[Paragraph (a) as amended by Am. 106, effective 12-1-43]

(b) *Seller's price based on cost lower than supplier's base date price—*(1) *Price.* Notwithstanding any other provisions of this regulation, the maximum price for the sale by a seller, other than a manufacturer, of any machine or part for which the seller had a price in effect on the base date (October 1, 1941, for machines and parts listed in Appendix A or March 31, 1942, for machines and parts listed in Appendix B), which was based on a cost lower than the price his supplier had in effect to him on that date, shall be determined as follows: Divide the price your supplier would have charged you on the base date, had you made a purchase, by the cost on which your base date selling price was calculated. Then multiply this percentage increase in cost by your net base date selling price to each of your classes of trade (i. e., net selling price to each class of customer). No adjustment may be made under this

paragraph until the Office of Price Administration approves such adjustment in writing.

(2) *Reports.* A seller, other than a manufacturer, who desires to increase his prices for a machine or part in accordance with subparagraph (1) shall file a report with the Office of Price Administration in Washington, D. C. This report shall contain the following information:

(i) The name and address of the immediate supplier, as well as the manufacturer, of the item. If the manufacturer is also the supplier, include a statement to that effect.

(ii) A description of the machine or part.

(iii) The price or prices your supplier would have charged you on the base date (October 1, 1941, for machines and parts listed in Appendix A and March 31, 1942, for machines and parts listed in Appendix B) had you made a purchase, and the date such prices became effective.

(iv) The cost upon which your base date selling price was calculated, and the period during which such cost was effective.

(v) Your net price or prices (i. e., net prices to all different classes of trade) in effect on the base date, and the date such price or prices became effective.

(vi) The maximum price or prices determined in accordance with subparagraph (1) and the class of purchasers (your customers) to which each price applies. Note: Divide the prices (costs) listed in subdivision (iii) above, by the respective prices (costs) in subdivision (iv), and multiply this percentage increase in cost by the base date selling price in subdivision (v). The resulting answer is your maximum price.

[Paragraph (b) amended by Am. 95, 8 F.R. 9520, effective 7-23-43 and Am. 100, 8 F.R. 13299, effective 10-4-43]

(c) *Machines and parts without list prices.* (1) If for any machine or part a seller other than the manufacturer thereof had no published list price or established price in effect on October 1, 1941, the maximum price to any purchaser for such machine or part shall be the net price determined by applying a margin determined pursuant to subparagraph (2) of this paragraph to:

[Subparagraph (1) as amended by Am. 106, effective 12-1-43]

(i) The seller's net invoiced cost, if available, not to exceed the applicable maximum price, or

(ii) If actual cost is not available, net invoiced cost as estimated by the seller's supplier: *Provided*, That the seller has no reason to believe that the price so estimated exceeds the applicable maximum price.

(2) The margin to be applied in the circumstances referred to in subparagraph (1) shall be the first of the following which is applicable:

(i) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for the same machines

or parts sold to purchasers of the same class;

(ii) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for all machines and parts of the same class sold to purchasers of the same class;

(iii) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for the same machines or parts sold to purchasers of a different class or, if none were sold, for machines and parts of the same class sold to purchasers of a different class, adjusted to afford the same percentage differential in price between purchasers of such different classes as was customarily made by the seller on or about October 1, 1941, for purchasers of such different classes.

[Paragraph (c) amended by Am. 1, 7 F.R. 5665, effective 7-22-42 and Am. 25, 7 F.R. 7912, effective 10-9-42]

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, where any machine or part listed in § 1390.33, Appendix B, is sold on a delivered basis and delivered by railroad, the maximum price shall be reduced by an amount equal to the difference between railroad freight figured on the basis of rates in effect on March 31, 1942, and freight figured on the basis of current railroad freight rates.

[Subparagraph (3) added by Am. 90, 8 F.R. 7767, effective 6-14-43]

(d) *Machines and parts; new lines.* If for any machine or part a seller other than the manufacturer thereof had no published list price or established price in effect on October 1, 1941, and if such seller sold no machine or part of the same class on or about that date:

[Above paragraph as amended by Am. 106, effective 12-1-43]

(1) *Price.* The maximum price for such machine or part shall be the price reported pursuant to subparagraph (2), below: *Provided*, That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Within five days prior to the filing of such report and during such thirty-day period, such seller may quote, contract, sell or deliver at the proposed price, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made.

(2) *Reports.* The seller of such machine or part shall file with the Office of Price Administration, Washington, D. C., a report containing the proposed price, the proposed billing date, the net invoiced cost of such machine or part, the date of purchase, a statement of the basis on which such proposed price was determined, and an explanation of the reasons why § 1390.5 and paragraphs (a) and (c) of this section were inapplicable. If such seller desires such price to become the maximum price ap-

plicable to all subsequent sales and deliveries of such machine or part, a statement that the report is also being filed pursuant to § 1390.13 should be included.

(e) *Machines and parts completely subcontracted.* If a manufacturer of a machine or part also subcontracts to another the manufacture of the same machine or part which he resells in the form in which it is received from the subcontractor the maximum price for the prime contractor shall be determined as follows:

(1) If for any such machine or part the prime contractor had a published list price or established price in effect on October 1, 1941, the maximum price shall be determined in accordance with § 1390.5; or

(2) If the prime contractor had no such list or established price, the maximum price shall be determined in accordance with the applicable provisions of subparagraphs (1) and (2) of paragraph (d).

[Paragraph (e) amended by Am. 25, 7 F.R. 7912, effective 10-9-42, and Am. 106, effective 12-1-43]

(f) *Installed sales.* Nothing in this Maximum Price Regulation No. 136, as amended, shall be deemed to establish maximum prices for installation services performed by persons other than the manufacturer or assembler of the machine or part to be installed.

§ 1390.11 *Maximum prices; sales of second-hand machines and parts—(a) Definitions.* For the purpose of this section

(1) A "second-hand machine or part" is any machine or part which has previously been used.

(2) A "rebuilt and guaranteed" machine or part is a machine or part (i) in which all worn or missing components which should have been replaced or repaired for satisfactory operation, have been replaced or repaired, (ii) which carries a binding written guaranty of satisfactory operation for a period of not less than 60 days, and (iii) which is expressly invoiced as a rebuilt and guaranteed machine or part or its equivalent, and in addition, in those cases where the machine or part operates under power or pressure, has been tested under power or pressure so as to prove that it has a substantially equivalent performance to that of a new machine or part. In the event of a sale by a governmental agency, such agency may substitute for the guaranty a certificate by a qualified person who is not engaged in the business of selling second-hand machines and parts and who is approved by the purchaser, to the effect that all worn or missing components which should be replaced or repaired for satisfactory operation, if any, have been replaced or repaired.

(3) The "new base price", except as provided in paragraph (e) below, means the highest maximum price established by this or any other Regulation issued by the Office of Price Administration to any class of purchasers for the nearest equivalent

new machine or part, f. o. b. manufacturer's plant.

(b) *Maximum price; rebuilt and guaranteed second-hand machines and parts.* The maximum price for any rebuilt and guaranteed second-hand machine or part shall be the higher of the following:

(1) 85% of the new base price for such machine or part, or

(2) The price determined in accordance with the "depreciation method" provided in paragraph (d), below.

(c) *Maximum price; second-hand machines and parts which are not rebuilt and guaranteed.* The maximum price for any second-hand machine or part which is not rebuilt and guaranteed shall be the higher of the following, but shall not exceed 80% of the new base price for such machine or part:

(1) 55% of the new base price for such machine or part, or

(2) The price determined in accordance with the "depreciation method" provided in paragraph (d), below.

(d) *Maximum price; "depreciation method"*—(1) When "depreciation method" may be used. A maximum price may be computed under the "depreciation method" only for those machines or parts listed in § 1390.35, Appendix D, "Table of depreciation rates".

(2) *Computation of maximum price.* Under the "depreciation method", the maximum price of any second-hand machine or part listed in § 1390.35, Appendix D, "Table of depreciation rates" shall be the new base price for such machine or part less depreciation on the straight line method, at the rate provided for such type of machine or part in that Table, from the date of acquisition by the original purchaser for use of the machine or part when new to the date of sale. In measuring such period of time, a fractional period of a month consisting of 16 days or more shall be regarded as a full month and a fractional period of a month consisting of 15 days or less shall be disregarded. Upon each sale at a price computed under this paragraph, the seller shall deliver to the buyer a signed statement setting forth the name and address of the original purchaser for use of the machine or part when new and the date of acquisition of such machine or part by such purchaser.

[Subparagraph (2) as amended by Am. 87, 8 F.R. 7197, effective 6-2-43]

(e) *Maximum prices; second-hand machines or parts sold when new on delivered or installed price basis only*—(1) *Sold when new on delivered price basis only.* Notwithstanding any other provision of this section, if the maximum price for any second-hand machine or part established by this regulation when such machine or part is sold new, is on a delivered price basis only, the new base price upon the sale of such machine or part shall be the highest maximum price to any class of purchasers for the nearest equivalent machine or part when new, delivered to the point where such second-hand machine or part is located at the time of purchase by the seller.

(2) *Sold when new on installed price basis only.* Notwithstanding any other provision of this section, if the maximum price for any second-hand machine or part established by this regulation when such machine or part is sold when new, is on an installed price basis only (that is, a lump sum covering the cost of the machine or part, the cost of transportation, and the cost of installation), the new base price upon the sale of such machine or part shall be the price for the same machine or part when new, installed at the point of original installation.

[Paragraph (e) as amended by Am. 96, 8 F.R. 10662, effective 8-12-43]

(f) *Charges and expenses which may or may not be added to the maximum price*—(1) *Items which may not be added.* The following charges and expenses are included within the maximum price for any second-hand machine or part and such charges and expenses may not be paid or received in addition to the maximum price:

(i) Any commission or service charge paid to or for the account of, the seller or any agent of the seller;

(ii) Expense of packing and crating the second-hand machine or part (except where a second-hand machine or part is sold on an "as-is where-is" basis);

(iii) Expense of dismantling and loading the second-hand machine or part for shipment to the purchaser (except where a second-hand machine or part is sold on an "as-is where-is" basis).

(2) *Items which may be added.* The following charges and expenses are not included within the maximum price for any second-hand machine or part and such charges and expenses, not to exceed the maximum price for such charges and expenses established by any applicable regulation or order of the Office of Price Administration, may be paid or received in addition to the maximum price, if billed or invoiced separately.

(i) The actual amount of any tax upon the sale or delivery of the second-hand machine or part;

(ii) The actual cost of transportation of the machine or part from the point of shipment to the purchaser's plant. The point of shipment means the point at which the machine is loaded on a conveyance for transportation directly to the purchaser;

(iii) The actual cost of installing the second-hand machine or part in the purchaser's plant.

(3) *Sales on an "as-is where-is" basis.* If a second-hand machine or part is sold on an "as-is where-is" basis and the sales price plus the actual cost incurred by the purchaser for dismantling and loading exceeds the applicable maximum price for such second-hand machine or part, the seller shall refund to the purchaser the excess over the maximum price or 10% of the maximum price, whichever sum is lower.

(g) *Sales by Defense Plant Corporation, the War Department, or the Department of the Navy.* Notwithstanding any other provision of this § 1390.11, the maximum price applicable to the sale by

the Defense Plant Corporation, the War Department, or the Department of the Navy of any second-hand machine or part which was acquired by the Defense Plant Corporation, the War Department, or the Department of the Navy for purposes of rental shall be computed as provided in subparagraphs (1), (2) and (3) below.

(1) *Where the purchaser is the first lessee of the machine or part under an agreement with the Defense Plant Corporation, the War Department, or the Department of the Navy.* The maximum price shall be computed by adding the sum of the following:

(i) The cost of the machine or part to the Defense Plant Corporation, the War Department, or the Department of the Navy, f. o. b. the plant of the manufacturer of the machine or part;

(ii) The freight paid by the Defense Plant Corporation, the War Department, or the Department of the Navy from the plant of the manufacturer of the machine or part to the plant of the purchaser;

(iii) The cost to the Defense Plant Corporation, the War Department, or the Department of the Navy of unloading the machine or part at the plant of the purchaser;

(iv) The cost to the Defense Plant Corporation, the War Department, or the Department of the Navy of the installation of the machine or part in the plant of the purchaser;

(v) Interest on items (i) to (iv), inclusive, at the rate actually charged the purchaser under the agreement of lease between the Defense Plant Corporation, the War Department, or the Department of the Navy and the purchaser, or if no interest rate was specified in such agreement the average rate charged by the Defense Plant Corporation, the War Department, or the Department of the Navy to other lessees of comparable machines and parts, such interest to be computed from the date that each of such items was paid by the Defense Plant Corporation, the War Department, or the Department of the Navy to the date of sale.

(vi) Direct expenses actually incurred by Defense Plant Corporation, the War Department, or the Department of the Navy and normally charged the purchaser under the agreement of lease between Defense Plant Corporation, the War Department, or the Department of the Navy and the purchaser; or, if no provision for direct expenses is specified in such agreement, direct expenses actually incurred by Defense Plant Corporation, the War Department, or the Department of the Navy and normally charged by Defense Plant Corporation, the War Department, or the Department of the Navy to other lessees of comparable machines and parts.

From the sum of items (i) to (v), inclusive, deduct depreciation on the original total cost of acquisition by Defense Plant Corporation, the War Department, or the Department of the Navy at the rate of eight percent (8%) per annum from the date of initial use after acquisition by Defense Plant Corporation, the War Department, or the Department of the Navy of such machine or part, except

that in the event of sale within ninety (90) days after such initial use no depreciation shall be deducted.

(2) *Where the purchaser is a person other than the first lessee of the machine or part.* The maximum price delivered to the plant of the purchaser shall be computed by adding the sum of the following:

(i) The cost of the machine or part to the Defense Plant Corporation, the War Department, or the Department of the Navy, f. o. b. the plant of the manufacturer of the machine or part;

(ii) An allowance equal to the freight charge for transportation of such machine or part from the location of the machine or part at the time of purchase to the plant of the purchaser.

From the sum of items (i) and (ii), deduct depreciation on the original total cost of acquisition by Defense Plant Corporation, the War Department, or the Department of the Navy at the rate of eight percent (8%) per annum from the date of initial use after acquisition by Defense Plant Corporation, the War Department, or the Department of the Navy of such machine or part, except that in the event of sale within ninety (90) days after such initial use no depreciation shall be deducted.

(3) To the maximum price of any second-hand machine or part, as computed in accordance with paragraphs 1 or 2 above, the Defense Plant Corporation, the War Department, or the Department of the Navy may add the amount of any tax upon the sale or delivery of such machine or part and shall bill such tax separately from the price of such machine or part.

[Paragraph (g) amended by Am. 87, 8 F.R. 7197, effective 6-2-43 and Am. 99, 8 F.R. 13124, effective 9-30-43]

(h) *Sales between corporations entitled to file affiliated returns under the Internal Revenue Code—(1) Prices.* Notwithstanding any other provision of this section, in the case of a second-hand machine or part which is (i) sold by one corporation to another corporation both of which are members of an affiliated group as defined in Section 141 of the Internal Revenue Code, and (ii) is acquired by the purchasing corporation for the processing or fabricating of other commodities and not for resale in the same or in a fabricated form, the maximum price shall be the selling corporation's book value of such machine or part less depreciation computed at the rate and in the manner used by the selling corporation in the preparation of its federal income tax return.

(2) *Report.* Within ten days after any sale of a second-hand machine or part at a price determined pursuant to subparagraph (1) above, the selling corporation shall file with the Machinery Branch, Office of Price Administration, Washington, D. C., a report containing a description of the machine or part, the name and address of the purchasing corporation, the date of acquisition of the machine or part by the selling corporation, the selling price, a computation of the maximum price, in accordance with subparagraph (1) and an original statement of the pur-

chasing corporation that the machine or part has been acquired for the processing or fabricating of other commodities and not for resale in the same or in a fabricated form.

(i) *Further regulations or orders.* If the maximum price provisions of this Maximum Price Regulation No. 136, as amended, for second-hand machines or parts are not adaptable to the pricing of particular machines or parts, or if they permit the charging of prices in excess of prices which could be obtained if sufficient new machines or parts were available, the Price Administrator may by separate regulation or order establish other maximum prices for the sale or delivery of such second-hand machines or parts.

(j) The maximum price of any second-hand machine or part sold in the Territory of Alaska shall be determined in accordance with the applicable provisions of this section, except that there may be added to the price so determined the amount of the actual cost of transportation of such machine or part from Seattle, Washington to its present location in Alaska.

[Paragraph (j) added by Am. 88, 8 F.R. 7260, effective 6-3-43]

[§ 1390.11 amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 54, 7 F.R. 9729, effective 11-25-42; Am. 76, 8 F.R. 4476, 12793, effective 4-10-43 and as otherwise noted]

§ 1390.12 *Maximum prices: Leases.*
(a) If for any machine or part the lessor thereof had a published or established rental rate in effect on October 1, 1941, (as defined in § 1390.5 (c)), the maximum rental rate shall be determined as provided in § 1390.5.

[Paragraph (a) as amended by Am. 106, effective 12-1-43]

(b) If for any machine or part, the lessor thereof had no published or established rental rate in effect on October 1, 1941, the maximum rental rate shall be the rental rate approved in writing by the Office of Price Administration after the lessor has submitted the report required by subparagraph (1). Such rental rate shall be in line with the rental rates charged on October 1, 1941, for the rental of machines or parts the same as, or similar to, the one being rented. Unless the Office of Price Administration shall in writing within 30 days after receipt of the report required by subparagraph (1) disapprove the maximum price as reported, such price shall be deemed to have been approved, subject to disapproval or adjustment at any time by the Office of Price Administration. Within five days prior to the filing of such report and during such 30 day period, such lessor may quote, contract, or lease any such machine or part at the proposed rental and may make delivery, but no rental payment shall be made until a maximum rental rate has been established either by the approval of the Office of Price Administration or its failure to disapprove within 30 days after receipt of the lessor's report. Payment shall be in accordance with the established maximum rental

rate. No rental payment shall be received by a person who has leased a machine or part without submitting a report required by this paragraph. The Office of Price Administration may of its own accord set the maximum rental rate for any machine or part which has been delivered under a lease or rental and for which the report required by this paragraph has not been submitted to the Office of Price Administration within five days after delivery. Such a maximum rental rate shall be in line with the level of maximum rental rates authorized by this section.

(1) The lessor of a machine or part shall file a report with the Office of Price Administration, Washington, D. C., containing a description in detail of the machine or part he proposes to rent, including the name of the manufacturer and the model number, the proposed rental rate, the proposed billing date, and the relevant price data used by the lessor in arriving at the proposed rental rate. If such lessor desires such rental to become the maximum rental applicable to subsequent leases and deliveries of such a machine or part, a statement that the report is also filed pursuant to § 1390.13 should be included.

[Paragraph (b) amended by Am. 93, 8 F.R. 8839, effective 7-1-43 and Am. 106, effective 12-1-43; subparagraph (b) (2) revoked by Am. 93.]

§ 1390.13 *New list prices.* (a) Any person who desires or is required in writing by the Office of Price Administration to establish a list price for any machine or part or machinery service shall file a report pursuant to paragraph (b) hereof, containing a proposed price determined under §§ 1390.7 or 1390.8 (Manufacturer's Sales), 1390.9 (Machinery Services), 1390.10 (Re-seller's Sales), or 1390.12 (Leases), and such price shall thereafter be the maximum price: *Provided*, That the Office of Price Administration either approves such price in writing or fails to disapprove it within thirty days after receipt of the report. Such price may be disapproved only on the ground that it was not computed in accordance with the applicable provisions of this Maximum Price Regulation No. 136, as amended, or because the Office of Price Administration finds that a computation at a later date may result in a lower maximum price.

(b) Under the circumstances set forth in paragraph (a), a report shall be filed with the Office of Price Administration, Washington, D. C., containing the proposed list price, the proposed effective date, the class or classes of purchasers to whom such price is to be quoted, all relevant data used in determining such price, and evidence that such price was determined in accordance with the applicable provisions of this Maximum Price Regulation No. 136, as amended.

§ 1390.14 *Reports on cost-plus contracts.* Any person who has agreed to sell or deliver any machine or part or to perform any manufacturing service pursuant to a cost-plus-a-fixed-fee or cost-plus-a-percentage-of-cost contract shall on or before August 1, 1942, or within ten days after entering into such con-

tract file a report with the Office of Price Administration, Washington, D. C., containing a copy or a summary of such contract.

§ 1390.15 *Emergency service charges.* Notwithstanding any other provision of this Maximum Price Regulation No. 136, as amended, any manufacturer, seller, lessor, or machinery service supplier may add to the maximum price herein provided an extra charge in the amount of the extra out-of-pocket expense incurred for special services, either where an emergency requires that material be obtained from a source more expensive than the usual source, or where an emergency requires special handling of a machine or part after its manufacture: *Provided*, That such extra charge is stated separately from the purchase price in billing. Nothing in this section shall be construed to permit a manufacturer, seller, lessor, or machinery service supplier to pay more than the applicable maximum price for any material or service.

§ 1390.16 *Federal and state taxes.* (a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the seller on October 1, 1941, added to the price paid by the purchaser shall not be included in the maximum price but may be collected by the seller in addition to the maximum price if such tax is stated separately from the purchase price, except that such tax need not be stated separately if it is measured by the seller's cost of such machine or part.

(b) Any tax upon the sale or delivery of a machine or part and any compensating use tax upon a machine or part levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after October 1, 1941, may also be collected by the seller making such taxable sale or delivery in addition to the maximum price if such tax is stated separately from the purchase price, unless the seller had increased his price on or before October 1, 1941, to reflect such new or increased tax, except that such tax need not be stated separately if it is measured by the seller's cost of such machine or part.

[Paragraph (a) and (b) as amended by Am. 54, 7 F.R. 9729, effective 11-25-42]

(c) (1) Any separately stated tax paid by a purchaser for resale upon the purchase of a machine or part may be collected by such purchaser in addition to the maximum price upon the resale of such machine or part unless the purchaser's price in effect on October 1, 1941, reflected the amount of such tax.

(2) Any tax paid by a manufacturer upon the purchase of a part which can be delivered separately from the principal assembly of the complete machine may also be collected by the manufacturer upon the sale of the complete machine, as well as upon the sale of the part separately, if such tax is stated separately from the purchase price, unless the manufacturer's price for the machine or for the part in effect on

October 1, 1941, reflected the amount of such tax.

§ 1390.17 *Export sales.* The maximum price at which a person may export a machine or part shall be determined in accordance with the methods provided in the Maximum Export Price Regulation¹ issued by the Office of Price Administration. An "export sale" is any sale between a seller in the Continental United States and a purchaser outside thereof in which the commodity sold is transported from the Continental United States to a point outside thereof and includes any sale of a commodity outside the Continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the Continental United States.

§ 1390.18 *Contract prices, renegotiations, price-adjustment agreements, and price increases—(a) Existing contracts.* Notwithstanding the provisions of § 1390.3, any person may until September 1, 1942, deliver, perform, or receive, or make or receive payment for, any machine or part or machinery service pursuant to a contract entered into prior to July 22, 1942, at the price provided in such contract: *Provided*, That on or before September 1, 1942, the contract price shall be revised so as not to exceed the maximum price computed in accordance with the provisions of this Maximum Price Regulation No. 136, as amended, and that refunds or other allowances in accordance with such recomputation are made as to deliveries made or services performed on or after July 22, 1942. In computing the maximum price for purposes of this section, no upward adjustment shall be made, and no downward adjustment need be made, for changes in the clock hours of labor or in the quantities of materials required or estimated to be required, which have occurred since the date of entering into the contract or since the date of the last change in the contract price.

[Paragraph (a) as amended by Am. 25, 7 F.R. 7912, effective 10-9-42]

(b) *Prices for deliveries pursuant to a firm-price contract.* Except as provided in § 1390.7 (c) (4), when the maximum price applicable to a firm price contract for the sale and delivery of any machine or part or for machinery services has been determined in accordance with the provisions of this Maximum Price Regulation No. 136, as amended, the maximum price need not be recomputed for any subsequent deliveries pursuant to such contract unless the contract price is revised by renegotiation or adjustment in accordance with paragraphs (d) or (e) of this section.

(c) *Specification changes.* If a contract for the sale and delivery of a machine or part or for machinery services for which there was no published list price or established price in effect on October 1, 1941, (as defined in § 1390.5

¹ 2d Revision; 8 F.R. 4132, 5987, 7662, 9998.

(c)), has been or is entered into at a price which does not exceed the maximum price, computed as of the time of entering into such contract, or has been revised in accordance with any of the provisions of this section, changes in the contract price required by changes in specifications may be made without recomputation of the maximum price: *Provided*, That the difference in price as a result of the change in specifications shall be calculated in accordance with the formula provided in § 1390.7.

[Paragraph (c) as amended by Am. 106, effective 12-1-43]

(d) *Renegotiations*. If a contract for the sale and delivery of machines and parts or for machinery services has been or is entered into at a price which does not exceed the maximum price, computed as of the time of entering into such contract, or has been revised in accordance with any of the provisions of this section, the contract price may be reduced at any time without recomputation of the maximum price, and may be increased by renegotiation if the price, as so increased, does not exceed the maximum price computed as of the time of such renegotiation and if a report is made pursuant to paragraph (g) of this section.

(e) *Adjustable pricing*. If the seller, lessor or supplier wishes, he may agree with the buyer or lessee to charge a price which can be increased up to the maximum price in effect at the time of delivery. Where the seller or supplier has filed an application for adjustment under § 1390.25a, he may, in accordance with the provisions of that section, deliver at a price which will be adjusted upwards in accordance with the action taken by the Office of Price Administration on his application. In all other cases, unless authorized by the Office of Price Administration, the seller, lessor or supplier must not deliver at a price which is to be adjusted upwards in accordance with action by the Office of Price Administration after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote distribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

[Paragraph (e) as amended by Am. 104, 8 F.R. 15462, effective 11-9-43]

(f) *New contracts*. Whenever a new contract is entered into for the sale and delivery of machines or parts or for machinery services for which there was no published or confidential list price in effect on October 1, 1941, and which has previously been sold or supplied, the applicable maximum price shall be recomputed as of the time of entering into the new contract. For the purposes of this Maximum Price Regulation No. 136, as amended, any extension of an existing contract which provides for the delivery of a greater number of machines or parts, or for a greater number of hours

or other units of machinery services, than were originally contracted for shall be deemed to be a new contract.

(g) *Price increases*. If the price of any machine or part or machinery service computed in accordance with the provisions of § 1390.7 is at any time increased above the price charged on the previous sale or delivery or is increased above the original contract price by renegotiation or by a price adjustment clause, unless the increase is definitely assignable to a change in specifications or a change in conditions of delivery, the seller thereof shall file with the Office of Price Administration, Washington, D. C., within ten days after making any sale or delivery at such increased price, or agreeing upon such increased price, a report containing: (1) a description of the machine or part or machinery service; (2) the price on the sale prior to the price increase, the date of such sale and the name and description of the purchaser; (3) the price charged on October 1, 1941, or on the first sale subsequent thereto, and the date of such sale; (4) the new price; (5) the date of entering into the contract providing the increased price; (6) the name and description of the purchaser; and (7) an explanation of the higher price: *Provided*, That if the price of a machine or part or machinery service has previously been reported pursuant to this paragraph without objection from the Office of Price Administration, the manufacturer shall not be required to report subsequent sales or deliveries at the same or a lower price.

§ 1390.19 *Less than maximum prices*. Lower prices, rentals, or charges than those set forth in this Maximum Price Regulation No. 136, as amended, may be charged, demanded, paid or offered.

§ 1390.20 *Evasion*. (a) It shall be a violation of this Maximum Price Regulation No. 136, as amended, to effect a price increase above the applicable maximum price in connection with any sale, lease or delivery of any machine or part, or with the supplying of any machinery service by changing discounts or customary price differentials among classes of purchasers; by making minor changes in machines or parts or machinery services having published price lists or established prices in effect on October 1, 1941, (as defined in § 1390.5 (c)); by requiring a customer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject hereto for cross-selling, cross-purchasing, or cross-servicing; by reducing the period of any guaranty or warranty of performance; by eliminating or reducing any maintenance, repair or installation service; by undervaluing commodities received in trade; by eliminating or reducing rental credits on purchases; or by any other change in terms or conditions of sale, lease, or contract. It shall also be a violation of this regulation for any person to pay, in connection with the purchase or rental of any machine or part, whether new or used, or the purchase of any machinery service, any fees, commissions,

or other compensation, whether for broker's, agent's or finder's services, or otherwise, which, when added to the amount paid by such person for the purchase or rental of such machine or part or the purchase of such machinery service would result in a total sum exceeding the applicable maximum price established by this regulation.

[Paragraph (a) amended by Am. 96, 8 F.R. 10662, effective 8-12-43 and Am. 106, effective 12-1-43]

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this Maximum Price Regulation No. 136, as amended, to change a term or condition of sale, lease or contract in effect on October 1, where such change is necessitated by orders issued by the War Production Board, the Board of Governors of the Federal Reserve System or any other agency of the United States, or by other conditions caused by the war.

§ 1390.21 *Developmental contracts and subcontracts*. (a) This Maximum Price Regulation No. 136, as amended, shall not apply to any sale or delivery of a machine or part or to any machinery service performed pursuant to a contract or subcontract certified in writing to the Office of Price Administration by the United States or any agency thereof as being developmental: *Provided*, That a report is filed pursuant to paragraph (b). For the purposes of this section, a contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the accumulation of sufficient production experience by the manufacturer or supplier to permit a fair estimate of the manufacturing costs, or both. After the Office of Price Administration shall have determined after consultation with the appropriate government agency that the period necessary for development has expired, and has in writing so notified such agency and the manufacturer or machinery service supplier, this Maximum Price Regulation No. 136, as amended, shall apply to all subsequent sales and deliveries of such machine or part or to all such machinery services performed thereafter.

(b) Within ten days after entering into any such developmental contract or subcontract the manufacturer or machinery service supplier shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the product or products to be manufactured or the machinery services to be supplied, a summary of the terms of the contract or subcontract including all pricing provisions, a short statement of the production plan of which this contract is a part, and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on July 22, 1942 such report shall be filed prior to August 15, 1942.

(c) In the case of a developmental contract or subcontract which is also classified as "confidential" or "restricted" by any agency of the United States, if such agency states that such contract is "confidential" or "restricted" in the cer-

tification required by paragraph (a), the provisions of paragraph (b) shall not be applicable.

[Paragraph (c) added by Am. 81, 8 F.R. 5567, effective 5-1-43]

§ 1390.22 *Secret contracts.* This Maximum Price Regulation No. 136, as amended, shall not apply to any sale or delivery of a machine or part or to the sale of any machinery service pursuant to a contract or subcontract which is deemed to be a "secret" contract and is so certified to the Office of Price Administration by the United States or any agency thereof. Such certification shall set forth the date of the "secret" contract and its number or other designation. After the Office of Price Administration shall have received notice from the United States or the certifying agency that such contract is no longer deemed to be secret, this Maximum Price Regulation No. 136, as amended, shall apply to all subsequent sales and deliveries of such machine or part, or to all such machinery services completed thereafter.

§ 1390.23 *Emergency purchases.* (a) This Maximum Price Regulation No. 136, as amended, shall not apply to any sale or delivery pursuant to any emergency purchase by the United States or any agency thereof for immediate delivery of any machine or part or immediate performance of any machinery service: *Provided*, That if the total price exceeds \$500, a report is filed pursuant to paragraph (b).

(b) Within ten days after making any such emergency purchase in the amount of more than \$500, at a price which is known or suspected by the purchaser to be in excess of the maximum price, any person making such purchase on behalf of the United States or any agency thereof shall file a report with the Office of Price Administration, Washington, D. C., certifying that such purchase was made in a situation in which it was imperative to secure the machine, part, or machinery service immediately and in which it was impossible to secure, or unfair to require, immediate delivery or performance at the applicable maximum price and setting forth (1) the name and address of the seller or supplier; (2) date of purchase; (3) date of delivery or performance; (4) description of the machine or part purchased or machinery service performed; (5) quantity purchased; (6) price at which purchased; and (7) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

§ 1390.24 *Privileges accorded to certain foreign governments.* The privileges accorded to the United States or any agency thereof by § 1390.21 (developmental contracts and subcontracts), § 1390.22 (secret contracts) and § 1390.23 (emergency purchases) shall apply to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or to any agency of any such government.

§ 1390.25 *Petitions for amendment—*
(a) *Amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 136, as amended, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

[Section heading as amended by Am. 78, 8 F.R. 4516, effective 4-10-43. Former paragraph (a) amended by Am. 1, 7 F.R. 5665, effective 7-22-42 and revoked by Am. 78. Paragraph (b) revoked by Am. 57, 7 F.R. 9823, effective 12-1-42. Former paragraph (c) amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42 and redesignated (a) by Am. 78]

(1) *Mica capacitors.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, manufacturers of mica capacitors may add to the maximum price provided herein increases in unit cost due to increases realized subsequent to March 31, 1942, in the cost of block mica and in the cost of splitting and cutting mica film, except that nothing in this subparagraph shall permit the addition of an increase in cost due to an increase in labor rates subsequent to March 31, 1942.

[Subparagraph (1) added by Am. 1, 7 F.R. 5665, effective 7-22-42]

(2) *American Saw Mill Machinery Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6 the maximum price applicable to the sale to any purchaser of any item of woodworking or sawmill machinery, manufactured and sold by the American Saw Mill Machinery Company, Hackettstown, New Jersey, shall be the list price for such item in effect on October 1, 1941, subject to the discounts in effect to purchasers of the same class on November 1, 1941, and the maximum price applicable to the sale to any purchaser of any radial saw or part thereof manufactured and sold by said Company shall be the list price in effect on October 1, 1941, subject to the discounts in effect to purchasers of the same class on February 20, 1942.

[Subparagraph (2) added by Am. 4, 7 F.R. 6682, effective 8-26-42]

(3) *Monarch Engineering and Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any industrial furnace, oven or ladle heater manufactured and sold by the Monarch Engineering and Manufacturing Company, Baltimore, Maryland, for which such Company had a published or confidential list price in effect on October 1, 1941 shall be the net price determined in accordance with the provisions of § 1390.5, plus an amount equal to 4½% of such net price.

[Subparagraph (3) added by Am. 5, 7 F.R. 6682, effective 8-26-42]

(4) *Middlesex Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any shoe rack or accessory manufactured and

sold by the Middlesex Manufacturing Company, Medford, Massachusetts, for which such Company had a published or confidential list price in effect on October 1, 1941, shall be the net price determined in accordance with the provisions of § 1390.5, plus an amount equal to 10% of such net price.

[Subparagraph (4) added by Am. 6, 7 F.R. 6682, effective 8-26-42]

(5) *Petrometer Corporation.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any mechanical instrument or part manufactured by Petrometer Corporation, Long Island City, New York, shall be determined pursuant to the provisions of § 1390.5, except that the date October 27, 1941 shall be substituted for the date October 1, 1941, wherever that date appears in § 1390.5.

[Subparagraph (5) added by Am. 7, 7 F.R. 6899, effective 9-4-42]

(6) *Select-O-Phone Company, a division of Screw Machine Products Company, Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any of the private automatic telephones and parts therefor, manufactured and sold by the Select-O-Phone Company, a division of Screw Machine Products Company, Inc., 1012 Eddy Street, Providence, Rhode Island, for which the Select-O-Phone Company had a published or confidential list price in effect on October 1, 1941, shall be the price contained in the January 15, 1942, price lists issued by said Select-O-Phone Company.

[Subparagraph (6) added by Am. 8, 7 F.R. 6964, effective 9-2-42]

(7) *Filtration Engineers, Incorporated.* Notwithstanding the provisions of § 1390.7, the maximum price applicable to the sale by Filtration Engineers, Incorporated of any filter or part for which it had no published or confidential list price in effect on October 1, 1941, shall be determined in accordance with the provisions of § 1390.7, except that the price-determining method in effect on October 1, 1941, shall be modified in that manufacturing or factory overhead shall be calculated as 150% of direct labor cost (instead of 100%).

[Subparagraph (7) added by Am. 9, 7 F.R. 6964, effective 9-2-42]

(8) *International Telephone and Radio Manufacturing Corporation.* Notwithstanding the provisions of §§ 1390.5 and 1390.6 the maximum price applicable to the sale of any selenium rectifier stacks and parts manufactured and sold by the International Telephone and Radio Manufacturing Corporation, East Newark, New Jersey, for which said Corporation had a published or confidential list price in effect on October 1, 1941, shall be the price determined in accordance with the following method: Material costs as of October 1, 1941, plus labor rates in effect on March 31, 1942, plus factory overhead of 100% of direct labor costs at such rates, plus adminis-

trative, commercial and developmental expense of 15% of sales, plus a markup of 10% of the aggregate of the aforesaid factors. The discounts which the said corporation may use shall be the discounts filed by it with the Office of Price Administration on or before July 14, 1942. A report of its new list prices computed in accordance with the aforesaid method, shall be filed by the Corporation, pursuant to § 1390.13.

[Subparagraph (8) added by Am. 10, 7 F.R. 6965, effective 9-2-42]

[Subparagraph (9) added by Am. 11, 7 F.R. 6937, effective 8-28-42; amended and redesignated paragraph (n) of § 1390.2 by Am. 58, 7 F.R. 9899, effective 11-26-42]

(10) *Counties of the State of Michigan.* Notwithstanding the provisions of §§ 1390.5 and 1390.12, the maximum price applicable to the rental of any machine or part to the State of Michigan by the Board of County Road Commissioners of any County of the State of Michigan shall be the price agreed upon between the State of Michigan and its Counties on July 21, 1942, as set forth in the rate sheets filed with the Office of Price Administration on August 17, 1942.

[Subparagraph (10) added by Am. 14, 7 F.R. 6973, effective 9-8-42]

(11) *Gilfillan Machine Works, Inc.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by Gilfillan Machine Works, Inc., of Ebenezer, New York, of its Type DS No. 816 House Service Gas Regulator, shall be \$8.00; the maximum price applicable to the sale by said Company of any other machine or part for which a list price was in effect on October 1, 1941, shall be the maximum price determined in accordance with the provisions of § 1390.5, except that the 2% ten day cash discount may be eliminated.

[Subparagraph (11) added by Am. 17, 7 F.R. 7320, effective 9-21-42]

(12) *Northwestern Motor Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any railway motor car manufactured and sold by the Northwestern Motor Company, Eau Claire, Wisconsin, for which the said Company had a published or confidential list price in effect on October 1, 1941, shall be the net price determined in accordance with the provisions of § 1390.5 plus Sixty Dollars (\$60), when such car is one of the following series, viz:

No. 561-V8-85-.... Extra gang car.
No. 561-HV-8-85-.... Hump and extra gang car.
No. 561-V8-85-.... Power ballast discer.

[Subparagraph (12) added by Am. 18, 7 F.R. 7365, effective 9-16-42]

(13) *Jeff Hunt Road Machinery Company.* Notwithstanding the provisions of § 1390.9, the maximum price applicable to the performance by the Jeff Hunt Road Machinery Company of Columbia, South Carolina, of any of the machinery services listed below shall be \$1.75 per hour for straight time and \$2.20 per hour for overtime, on the basis of a 56-hour work week:

Services of field serviceman.
Services of serviceman helper.
Travel time (for each man over one).
Painting.
Services of mechanic.
Services of mechanic's helper.
Welding, acetylene or electric.
Services of machinist.
Services of blacksmith.
Cleaning, high-pressure steam.

This paragraph shall not apply to rates for track work on crawler tractors and for removing and replacing track shoes.

[Subparagraph (13) added by Am. 19, 7 F.R. 7509, effective 9-26-42]

(14) *J. A. Lang & Sons Co.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum prices applicable to the sale of any laundry listing machine or part manufactured by J. A. Lang & Sons Co., Boston, Massachusetts shall be determined pursuant to the provisions of § 1390.5, except that the date November 1, 1941, shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

[Subparagraph (14) added by Am. 20, 7 F.R. 7602, effective 9-30-42]

(15) *Micro-Westco, Inc.* Notwithstanding the provisions of § 1390.9 the maximum charge applicable to the servicing of machines by Micro-Westco, Inc., Bettendorf, Iowa, shall be at the rate of \$2.65 per hour, including travel-time when performed during the regular hours of the working day.

[Subparagraph (15) added by Am. 21, 7 F.R. 7739, effective 10-3-42]

(16) *The Electro Motive Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, on and after July 22, 1942, the maximum price applicable to the sale and delivery of any capacitor or part manufactured and sold by Philip and Josephine Lauter, doing business under the firm name and style of The Electro Motive Manufacturing Company, Willimantic, Connecticut, for which the company had a published or confidential list price in effect on October 1, 1941, shall be the price for such item filed by the company with the Office of Price Administration as part of price computations accompanying protest docketed as No. 1136-223-P.

[Subparagraph (16) added by Am. 22, 7 F.R. 7744, effective 9-28-42]

(17) *Teesdale Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any automatic pump or automatic force pump manufactured by the Teesdale Manufacturing Company, Grand Rapids, Michigan, shall be determined pursuant to the provisions of § 1390.5, except that the date February 1, 1942 shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

[Subparagraph (17) added by Am. 23, 7 F.R. 7907, effective 10-8-42]

(18) *Brandtjen & Kluge, Inc.* Notwithstanding the provisions of § 1390.11, the maximum price applicable to the sale of a rebuilt Brandtjen & Kluge press by Brandtjen & Kluge, Inc., of St. Paul, Minnesota, guaranteed for one year, shall be 90% of the highest maximum price to

any class of purchasers for the nearest equivalent new Brandtjen & Kluge press established by this Maximum Price Regulation No. 136, as amended, the resultant price to be subject to the applicable discount or discounts in effect on October 1, 1941.

[Subparagraph (18) added by Am. 26, 7 F.R. 7945, effective 10-5-42]

(19) *The Parks Woodworking Machine Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by The Parks Woodworking Machine Company, Cincinnati, Ohio, of any woodworking machine except the No. 95 12" Heavy Duty Planer shall be determined pursuant to the provisions of § 1390.5, except that the date November 15, 1941, shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5: *Provided*, That said company shall have notified its dealers that they may not charge prices higher than their maximum prices established by this Maximum Price Regulation No. 136, as amended. The maximum price for the No. 95 12" Heavy Duty Planer shall be determined pursuant to the provisions of § 1390.5.

[Subparagraph (19) added by Am. 29, 7 F.R. 8198, effective 10-15-42]

(20) *Union Fork and Hoe Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6 the maximum price applicable to the sale of twenty-three (23) #303 Rome Diesel Powered Road Graders manufactured by the Rome Grader and Machinery Division of the Union Fork and Hoe Company, Columbus, Ohio, shall be \$5,000.54 net each: *Provided*, That if any such grader is sold to a dealer, the said Company shall notify such dealer that he may not resell such grader at a price in excess of his maximum price for such grader established by this Maximum Price Regulation No. 136, as amended.

[Subparagraph (20) added by Am. 30, 7 F.R. 8193, effective 10-6-42]

(21) *Lead acid storage batteries and parts.* Notwithstanding any other provisions of this regulation, the maximum price applicable to the sale by any person subject to this regulation of any lead acid storage battery or part shall be the higher of the following:

(i) The net price determined in accordance with the applicable provisions of §§ 1390.5, 1390.7 or 1390.10, plus an amount not exceeding one cent for each pound, or major fraction of a pound, of lead contained in such battery or part; or

(ii) The net price determined in accordance with the applicable provisions of §§ 1390.5, 1390.7 or 1390.10, but substituting in such sections the date February 1, 1942, for the date October 1, 1941.

[Subparagraph (21) added by Am. 31, 7 F.R. 8362, 8433, effective 10-15-42 and amended by Am. 61, 7 F.R. 10230, effective 11-7-42, Am. 70, 8 F.R. 3314, effective 3-22-43, and Am. 106, effective 12-1-43]

(22) *Elmira Lubricator Company, Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Elmira Lubricator Company, Inc., Elmira, New York, of any lubricating device manufactured by it shall be determined pursuant to the provisions of § 1390.5, except that the date January 1, 1942 shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

[Subparagraph (22) added by Am. 33, 7 F.R. 8520, effective 10-26-42]

(23) *Hunter Tractor and Machinery Company.* Notwithstanding the provisions of § 1390.9, the maximum charge applicable to any machinery service supplied by Hunter Machinery Company, Milwaukee, Wisconsin, in connection with the repair, rebuilding and maintenance of machines and parts shall be at the rate of \$2.05 per hour.

[Subparagraph (23) added by Am. 34, 7 F.R. 8652, effective 10-29-42]

(24) *The Tabor Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by The Tabor Manufacturing Company, Philadelphia, Pennsylvania of a Jar-Ram, Power Squeeze, Trunnion type, Rollover Machine with 15" diameter squeeze cylinder, electrically operated, shall be \$2750 f. o. b. Philadelphia.

[Subparagraph (24) added by Am. 35, 7 F.R. 8707, effective 10-30-42]

(25) *The Topeka Foundry and Iron Works Company.* Notwithstanding the provisions of § 1390.9, the maximum charge applicable to any machinery service supplied by the Topeka Foundry and Iron Works Company, Topeka, Kansas, in connection with the repair, rebuilding and maintenance of machines and parts shall be at the rate of \$2.20 per hour.

[Subparagraph (25) added by Am. 38, 7 F.R. 9040, effective 11-10-42]

(26) *American Raw Hide Products Co.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale of any loom picker manufactured by American Raw Hide Products Co., Providence, Rhode Island, shall be the price determined in accordance with this Maximum Price Regulation No. 136, as amended, multiplied by 1.4.

[Subparagraph (26) added by Am. 39, 7 F.R. 9040, effective 11-10-42]

(27) *J. F. Kidder Manufacturing Co., Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by J. F. Kidder Manufacturing Co., Inc., of any of the punches and dies listed on page 4, column 1, of its catalogue No. 41 dated September 1, 1941, shall be determined in accordance with the provisions of § 1390.5 except that the 10% discount for such punches and dies when sold in dozen lots may be eliminated.

[Subparagraph (27) added by Am. 40, 7 F.R. 9040, effective 11-4-42]

(28) *Aget Manufacturing Company.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by Aget Manufacturing Company, Adrian, Michigan, of the "Dust-kop" dust collector shall be \$85.

[Subparagraph (28) added by Am. 41, 7 F.R. 9040, effective 11-4-42]

(29) *L. H. Cook Research Laboratories, Limited.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by L. H. Cook Research Laboratories, Limited, of any standard depth pressure recorder shall be the price determined in accordance with § 1390.5 multiplied by 1.1.

[Subparagraph (29) added by Am. 42, 7 F.R. 9041, effective 11-4-42]

(30) *Air Associates, Inc.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to a domestic sale by Air Associates, Inc., Bendix, New Jersey, of any Propeller Governor Test Unit-Type 820 shall be \$2158.

[Subparagraph (30) added by Am. 43, 7 F.R. 9041, effective 11-4-42]

(31) *John E. Fast & Co.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any electrostatic condenser #CB-304 manufactured and sold by John E. Fast & Co., Chicago, Illinois to F. R. Mallory & Co., Inc., Indianapolis, Indiana shall be \$24.30 per hundred: *Provided*, That John E. Fast & Co. shall notify F. R. Mallory & Co., Inc. that F. R. Mallory & Co., Inc. may not resell such condenser in excess of the maximum price applicable to the sale of such condenser by F. R. Mallory & Co., Inc. established by this Maximum Price Regulation No. 136, as amended.

[Subparagraph (31) added by Am. 44, 7 F.R. 9041, effective 11-4-42]

(32) *Sterling Electrical Motors, Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price

applicable to the sale and delivery to any purchaser, of any electrical motor, generator or industrial control manufactured and sold by Sterling Electrical Motors, Inc., Los Angeles, California for which the Corporation had a published or confidential list price in effect on October 1, 1941 shall be such list price for such item, subject to the discount, to a purchaser of the same class, provided in the Optional Discount Schedule attached as Exhibit A to Administrative Notice No. 1, issued by the Office of Price Administration on April 16, 1942.

[Subparagraph (32) added by Am. 45, 7 F.R. 9041, effective 11-4-42]

(33) *Tempest Products Manufacturing Co.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Tempest Products Manufacturing Co., Indianapolis, Indiana of its Check-N-Spect machine to Bowes Seal Fast Corporation, Indianapolis, Indiana shall be \$16.50 each: *Provided*, That Tempest Products Manufacturing Co. shall notify Bowes Seal Fast Corporation that Bowes Seal Fast Corporation may not charge a price higher than its maximum price established by this Maximum Price Regulation No. 136, as amended.

[Subparagraph (33) added by Am. 46, 7 F.R. 9041, effective 11-4-42]

(34) *John E. Mitchell Co.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by John E. Mitchell Company, Dallas, Texas, of bristle brushes for use in the Mitchell cotton cleaning machine shall be \$2.25.

[Subparagraph (34) added by Am. 47, 7 F.R. 9042, effective 11-4-42]

(35) *Frick-Reid Supply Corporation.* Notwithstanding the provisions of §§ 1390.5 and 1390.10 (a) and (b), the maximum prices applicable to the sale of any of the items listed below by Frick-Reid Supply Corporation, Tulsa, Oklahoma, shall be the price set opposite each such item:

| Item | Manufacturer | Maximum prices (manufacturer's list prices in effect October 1, 1941) |
|---|--|---|
| Leather Valve Cups. | | |
| Dry Pressed Leather | | |
| Dry Pressed and Polished | C. L. & W. W. Auer (Corry, Pa.) | Less 76%. |
| Star | | Less 74%. |
| Forged Steel Ring Joint Flange Unions: 2", 2½", 3", 4", 5", 6", 8". | Walworth Co. (New York, N. Y.) | Less 55%. |
| Casing Spiders: | | |
| Solid type: | | |
| 4½" or 5½" sizes | | Less 10%. |
| 7" O D size | | Less 17-5%. |
| 8¾" O D and larger | Larkin Packer Co. (St. Louis, Mo.) | Less 7%. |
| Split Type Spiders | | Less 8%. |
| Slips or Wedges | | Less 6%. |
| Hinterliter-Hildren Tubing Supports: | | |
| 4¾" or 5½" x 2" tubing | | |
| x 2", 2½" or 3" tubing | | |
| 6½" or 6¾" x 2" tubing | | |
| x 2", 2½" or 3" tubing | Hinterliter Tool Co. (Tulsa, Okla.) | |
| x 4" tubing | | |
| 8¾" x 3" x 2", 2½" or 3" tubing | | |
| 4" tubing | | |
| Pull Rod Couplings: | | |
| No. 4329 ¾" | | |
| No. 4330 ½" | Axelson Mfg. Co. (Los Angeles, Calif.) | |
| No. 4342 1" | | |

All the above items are subject to cash discount of 2% 20th Prox.

[Subparagraph (35) added by Am. 48, 7 F.R. 9042, effective 11-4-42]

(36) *A. K. Robins & Company*. Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by A. K. Robins & Company, Baltimore, Maryland, of its Improved Stringless Bean Slitter shall be \$850, equipped with belt drive, and \$950 equipped with motor drive.

[Subparagraph (36) added by Am. 49, 7 F.R. 9053, effective 11-4-42]

(37) *Unique Manufacturing Company*. Notwithstanding the provisions of §§ 1390.4, 1390.5 and 1390.6, the maximum price applicable to the sale of any machine tool attachments manufactured by Unique Manufacturing Company, Omaha, Nebraska, shall be determined pursuant to the provisions of §§ 1390.5 and 1390.6 except that the date April 10, 1942 shall be substituted for the date October 1, 1942 wherever that date appears in §§ 1390.5 and 1390.6.

[Subparagraph (37) added by Am. 50, 7 F.R. 9053, effective 11-4-42]

(38) *AC Spark Plug Division of General Motors Corporation*. Notwithstanding the provisions of § 1390.5, (i) the maximum price applicable to the sale by AC Spark Plug Division of General Motors Corporation of any spark plug for military use for which the replacement price in March, 1942, was \$0.28, shall be \$0.15, whether sold for original equipment or as a replacement; (ii) the maximum price applicable to the sale by said Company of any patented Air Cleaner for military use for which the price in March, 1942, was \$0.965, shall be \$1.05.

[Subparagraph (38) added by Am. 51, 7 F.R. 9054, effective 11-4-42]

(39) *Louis Van Dorp Sheet Metal & Roofing Co., Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Louis Van Dorp Sheet Metal & Roofing Co., Inc., Topeka, Kansas, of the following sizes of its combination water gauge lamp and guard manufactured for the Santa Fe Railway System shall be the price set forth below opposite each size:

| | Per dozen |
|-----------------|-----------|
| Size No. 3..... | \$42.00 |
| Size No. 4..... | 43.00 |
| Size No. 6..... | 44.00 |
| Size No. 7..... | 48.00 |

[Subparagraph (39) added by Am. 52, 7 F.R. 9054, effective 11-4-42]

(40) *Machines and parts containing silver*. Notwithstanding any other provision of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale and delivery of any machine or part containing silver may be increased by the sum of 9.625¢ per fine troy ounce of silver contained in such machine or part: *Provided*, That no overhead, margin or profit factor be applied to such increase: *And provided further*, That where the provisions of this Maximum Price Regulation No. 136, as amended, already permit a seller to reflect in his maximum price the increase in the cost of a machine or part containing silver (See § 1390.7 (c) (3) (i)

and § 1390.10 (c)), no additional allowance may be added by such seller.

[Subparagraph (40) added by Am. 53, 7 F.R. 9729, effective 11-25-42]

(41) *Sales of air conditioning and refrigerating equipment pursuant to War Production Board program*. (i) Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale at the direction of the War Production Board of any industrial or commercial air conditioning or refrigerating equipment to the manufacturer of such equipment by a person using such equipment and not engaged in the business of selling such equipment, shall be the installed cost of such equipment to such user, less depreciation at the rate of 5% per year (except as provided in paragraph (b)); the maximum price applicable to the resale of any such equipment by the manufacturer on a reconditioned and guaranteed basis to a new user designated by the War Production Board shall be the total cost of the equipment to the manufacturer, including the cost of inspection, dismantling, and shipment to the manufacturer's plant, estimated if necessary; plus the cost of reconditioning the equipment, of shipment to the purchaser, and of installation, estimated if necessary; plus the amount of any other out-of-pocket expenses incurred in connection with such sale, estimated if necessary; plus a reasonable charge for engineering and a reasonable profit, not upon the cost to the manufacturer, but in the light of the manufacturer's risk and responsibility; *Provided*, That the amount of such profit, together with a description of the transaction, has been submitted to the Office of Price Administration, Washington, D. C., for its review and that the Office of Price Administration has approved or failed to disapprove the amount of such profit within thirty days after receipt of the information.

(ii) If, upon a sale of industrial or commercial air-conditioning or refrigerating equipment by a state government, or any agency or political subdivision thereof, the War Production Board certifies to the Office of Price Administration prior to such sale that upon the basis of a competent engineering appraisal the 5% rate of depreciation, referred to in paragraph (a), does not fairly reflect the actual depreciation of such equipment to the date of such sale, the rate of depreciation fixed by, and set forth in the certification of, the War Production Board as fairly reflecting such actual depreciation shall be used in the determination of the maximum price of such sale instead of the 5% rate of depreciation.

[Subparagraph (41) added by Am. 55, 7 F.R. 9736, effective 11-27-42 and amended by Am. 68, 8 F.R. 1382, effective 2-5-43]

(42) *Essick Manufacturing Company*. Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any portable road roller or auto prime centrifugal pump listed below, manufactured and sold by Essick Manufacturing Company,

Los Angeles, California, shall be the net price shown opposite the particular model on the following schedule:

| | |
|---|----------|
| Essick "Economy" Portable Road Roller..... | \$735.00 |
| Essick "Road Hog" Portable Road Roller..... | 1,320.00 |
| Essick 3M Auto Prime Centrifugal Pump..... | 72.00 |
| Essick 7M Auto Prime Centrifugal Pump..... | 130.00 |
| Essick 15M Auto Prime Centrifugal Pump..... | 203.00 |
| Essick 30M Auto Prime Centrifugal Pump..... | 372.00 |

[Subparagraph (42) added by Am. 59, 7 F.R. 9974, effective 12-4-42]

(43) *Loom picker sticks and other textile machinery parts made of hickory*—(i) *Increase in maximum prices*. Notwithstanding any other provisions of this regulation, the maximum price calculated under this regulation apart from this subparagraph for any loom picker sticks and any other weaving and spinning hardwood parts made of hickory (such as: jack sticks, sweep sticks, binders, crank or pitman arms, skewers, parallel blocks, dobby sheaves, etc.) shall be increased by the amount provided in whichever of the following subdivisions (a) to (c) is applicable:

(a) *Manufacturers who buy picker stick blanks*. The amount to be added by any manufacturer who buys the hickory picker stick blanks from which he manufactures the parts involved shall be the combined dollar amount of the increases in the maximum price of the picker stick blanks going into the production of the picker sticks and other textile machinery parts made of hickory being priced, which became effective April 1, 1943 and April 8, 1943. Those increases shall be the amounts by which Order No. 16 under § 1499.18 (c), as amended, of the General Maximum Price Regulation and Amendment No. 151 to Supplementary Regulation No. 14* to the General Maximum Price Regulation increased the maximum price of hickory picker stick blanks sold or delivered by the manufacturer's supplier to the manufacturer, including any increase due to delivery charges that the supplier is permitted to make.

(b) *Manufacturers who make their own picker stick blanks*. The amount to be added by any manufacturer who makes the hickory picker stick blanks from which he manufactures the parts involved shall be an amount in line with the amounts to be added under (a) by comparable manufacturers who buy their hickory picker stick blanks, specifically authorized in writing by the Office of Price Administration. The manufacturer shall write to the Office of Price Administration, Washington, D. C., for such authorization.

(c) *Sellers other than manufacturers*. The amount to be added by any seller other than a manufacturer shall be the dollar amount by which the maximum price of the seller's supplier has been increased by this subparagraph on sales

*Superseded by Sec. 6.13 of Revised Supplementary Regulation No. 14, 8 F.R. 9787, effective 7-15-43.

and deliveries to the seller. If the seller's supplier has notified the seller of the amount of such increase in accordance with subdivision (ii) and if the seller has no reason to doubt the validity of such notification, the amount of which the seller has been so notified shall be deemed to be the proper amount to be added under this subdivision (c).

(ii) *Notification by sellers who sell to purchasers for resale.* Every seller of loom picker sticks and other textile machinery parts made of hickory which are covered by this subparagraph, who sells such items to purchasers who buy for the purpose of resale, shall notify every such purchaser in writing of the amount by which the seller's maximum price to the purchaser has been increased on each such item calculated according to the appropriate provision in subdivision (i).

[Subparagraph (43) added by Am. 82, 8 F.R. 5306, effective 4-20-43]

(44) *Bobbins and spools.* Notwithstanding any other provisions of this regulation, the maximum manufacturers' prices for bobbins and spools calculated under this regulation apart from this subparagraph shall be increased by 6%.

[Subparagraph (44) added by Am. 105, 8 F.R. 15672, effective 11-22-43]

(45) *Machines and parts sold in accordance with Materials Redistribution Program No. 2 of the Petroleum Administrator for War.* Notwithstanding any other provisions of this regulation, the maximum price, f. o. b. the present location, of any new machine or part which is sold in accordance with Materials Redistribution Program No. 2 of the Petroleum Administrator for War, issued July 9, 1943, shall be:

The maximum price at which the seller could purchase the same quantity of the machines or parts being sold from his present supplier, f. o. b. his supplier's place of business, plus the cost of transportation (including trucking or cartage from railroad siding) from the supplier's place of business to the present location of the machine or part being sold. This does not include any storage, handling or other charges paid or incurred after the machine or part is received at the seller's plant or warehouse. For the purposes of this subparagraph, if the seller is notified by his supplier of the maximum price and if the seller has no reason to doubt the validity of such notification, the price of which the seller has been notified shall be deemed to be the maximum price.

[Subparagraph (45) added by Am. 106, effective 12-1-43]

§ 1390.25a *Adjustments*—(a) *Application by a seller*—(1) *Who may receive an adjustment.* The maximum price established by this regulation for a machine or part may be adjusted in the case of an essential supplier of an

essential machine or part. An "essential machine or part" is one which contributes to the effective prosecution of the war. An "essential supplier" is one whose output or supply of a machine or part cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in subparagraph (5)), or a subcontract thereunder, is an essential supplier of an essential machine or part.

(2) *When adjustment may be granted*—(i) *In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential supplier of an essential machine or part upon the basis of information submitted by the supplier or of other information. It may make that adjustment whenever it finds that the maximum price of a machine or part is at such a level that (taking into account the cost thereof, the profits position of the supplier and the nature of his business) production or supply of the machine or part is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.* (a) The following factors are relevant to the consideration of whether production or supply of the machine or part is impeded or threatened:

(1) Whether, and by what amount, the maximum price is below or above (i) the total unit costs less selling and administrative expenses properly allocable to the internal management of the business in the case of a manufacturer and (ii) the current price being charged the seller in the case of any other seller.

(2) Whether, and by what amount, the maximum price is above total unit costs.

(3) Whether, and by what amount, the supplier's current over-all profits before income and excess profits taxes are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the supplier, or its stockholders, since the normal base period.

(4) Whether the proposed price is higher than the price prevailing in the industry.

(5) Whether the supplier's sales of the machine or part represent only a very small part of his total sales.

(6) Whether the supplier previously sold the machine or part at a price which was below its total unit costs.

(b) The following factors are relevant to the consideration of whether the adjustment would cause an increase in the cost of living:

(1) Whether the machine or part or a commodity in the production of which it is used is of a type sold to civilian consumers other than industrial consumers.

(2) If such is the case, whether the increase in price allowed by the adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the machine or part, his output or supply would be replaced by the same or a substitute commodity only at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the seller proceeds in applying for an adjustment*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on a copy of Form OPA 694-178a, set out in paragraph (a) of Appendix E, incorporated as § 1390.36 of this regulation. Copies of this amendment which contains this form may be obtained from any district, state or regional office of the Office of Price Administration. If the seller's total sales of all commodities in the calendar year 1942, or in the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all commodities during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A seller who believes that the conditions for an adjustment set forth in this paragraph (a), would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A seller who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the machine or part;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the seller is subject to the approval of the Office of Price Administration.

(5) *Definitions*—(i) *Normal base period*. The term "normal base period" means the period 1936-1939. If the seller shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the seller was operating during that period at an unusually depressed level in comparison to other sellers in the industry and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) *Over-all profits*. The term "over-all profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract*. The term "subcontract" means any purchase, order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) *Total unit costs*. (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the machine or part, but does not include provisions for income or excess profits taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a seller, other than a manufacturer, the term "total unit costs" means the current price the seller is paying for the machine or part plus the handling and administrative expense, normally applicable to the handling of the commodity, properly allocable to the seller's total cost of doing business, but does not include provisions for income or excess profits taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of administrative and other expenses is based on a representative period of continuous, normal production.

(v) *War contract*. The term "war contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a machine or part purchased (a) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (b) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any commodity described in (a) or (b).

[Paragraph (a) as amended by Am. 92, 8 F.R. 8544, effective 6-25-43]

(b) *Application by a machinery service supplier*. Paragraph (a) applies, insofar as practicable, to adjustments of the maximum prices of machinery services and to application for such adjustments. However, the procedure to be followed in applying for an adjustment differs in the following respects:

(1) The application for adjustment shall be made on Form OPA694-178B, set out in paragraph (b) of Appendix E. Copies of this form may be obtained from any district, state or regional office of the Office of Price Administration.

(2) If the supplier's total sales of machinery services for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$75,000, the application shall be filed in Washington, D. C. If the supplier's total sales of machinery services for that period did not exceed \$75,000 the application shall be filed with the nearest regional office of the Office of Price Administration.

(c) *Application by a seller or a machinery service supplier based upon an appropriate decrease of other prices*—(1) *Who may receive an adjustment under this paragraph*. Adjustments under this paragraph will be granted only in the case of an essential supplier of an essential machine or part or an essential supplier of an essential machinery service. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted*. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the seller or supplier agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (c)) makes a reduction in the selling price of other products or services which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show*. An application for price adjustment under this paragraph (c) shall contain information indicating that the applicant is an essential supplier of an essential machine or part or an essential supplier of an essential machinery service and that if the proposed adjustment is granted, the

gross dollar amount of sales of the machines or parts or machinery services affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities or services affected.

(4) *How the seller or supplier proceeds in applying for an adjustment*. An application for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1. If the seller's total sales for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's business is located. If the supplier's total sales of machinery services for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$75,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the supplier's total sales of machinery services during that period did not exceed \$75,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the supplier's business is located.

[Paragraph (c) as amended by Am. 92, 8 F.R. 8544, effective 6-25-43]

(d) *Application by a seller or a machinery service supplier under a combination of both paragraphs (a) and (c) or paragraphs (b) and (c)*. A seller or a machinery service supplier who desires to apply for an adjustment under paragraph (c) may, at the time he applies under that paragraph, also apply under paragraphs (a) or (b), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraphs (a) or (b) before applying paragraph (c).

[Paragraph (d) as amended by Am. 92]

(e) No application for adjustment filed after April 9, 1943, under Procedural Regulation No. 6* with respect to commodities and services covered by this regulation will be granted.

[Paragraph (e) as amended by Am. 80, 8 F.R. 4788, effective 4-10-43]

(f) [Revoked]

[Paragraph (f) revoked by Am. 92, 8 F.R. 8544, effective 6-25-43]

[§ 1390.25a added by Am. 78, 8 F.R. 4516, effective 4-10-43]

§ 1390.26 *Records and additional or substituted reports*—(a) *Records*. Persons subject to this Maximum Price Regulation No. 136, as amended, shall keep available for inspection by representatives of the Office of Price Administration records of the following:

*7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

(1) *By the manufacturer.* Records of (i) each sale, lease or delivery of a machine or part after the effective date of this Maximum Price Regulation No. 136, as amended, showing the name of the person buying, leasing or receiving such machine or part, the date of the transaction, an identification of the machine or part providing a reference to a price list or to production records, and the net price or rental; (ii) price-determining methods, labor rates, material prices, overhead rates and machine hour rates in effect on October 1, 1941, and (iii) detailed cost-estimate sheets and other data showing the calculations of prices and rentals on transactions covered by this Maximum Price Regulation No. 136, as amended, for which there was no list price or rental in effect on October 1, 1941, or for which no list price or rental is hereafter established.

(2) *By the machinery service supplier.* Records of all machinery services performed after the effective date of this Maximum Price Regulation No. 136, as amended, showing the name of the person for whom such services were performed, the date of the transaction, identification of the services providing a reference to a price list or to production records, and the net charge therefor, and, in addition, records showing as precisely as possible the basis upon which maximum charges for machinery services have been and are determined.

(3) *By a lessor other than the manufacturer.* Records of each lease or delivery of a machine or part after the effective date of this Maximum Price Regulation No. 136, as amended, showing the name of the person leasing or receiving such machine or part, the date of the transaction, the net rental and, in addition, records showing as precisely as possible the basis upon which maximum rentals for machines and parts have been and are determined.

(4) *By a seller other than the manufacturer.* Records of the kind such seller has customarily kept, relating to the prices of machines and parts sold after the effective date of this Maximum Price Regulation No. 136, as amended, and, in addition, records showing as precisely as possible the basis upon which maximum prices for machines and parts have been and are determined.

(b) *Additional or substituted records and reports.* Every person subject to this Maximum Price Regulation No. 136, as amended, shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

(c) *Reports on products brought under this Maximum Price Regulation No. 136, as amended.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, whenever the sale or rental of any products or services are brought within the scope of this Maximum Price Regulation No. 136, as amended, after the effective date thereof by amendment or otherwise, the reports required by this Maximum Price Regulation No. 136, as amended, in § 1390.5 (b)

shall be filed within thirty days after the effective date of such amendment, and the reports provided for in § 1390.10 (b) may be filed within thirty days after such effective date.

[Paragraph (c) added by Am. 54, 7 F.R. 9729, effective 11-25-42].

§ 1390.27 *Sales slips and receipts.* Any person subject to this Maximum Price Regulation No. 136, as amended, who has regularly furnished customers with invoices, sales slips, receipts or similar documents shall continue to do so. Every person subject to this Maximum Price Regulation No. 136, as amended, shall, in any case, upon request of the customer, give such customer a signed receipt showing the date of the transaction, an identification of the machine or part sold or leased or of the machinery service performed, and the price, rental or charge therefor.

§ 1390.28 *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after October 1, 1941, and the transferee carries on the business, or continues to deal in the same type of machines or parts or to perform the same type of machinery services, in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 136, as amended, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this Maximum Price Regulation No. 136, as amended.

§ 1390.29 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 136, as amended, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages or suspension of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 136, as amended, or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1390.29a *Licensing.* The provisions of Licensing Order No. 1,⁹ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person

* 8 F.R. 13240.

whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1390.29a added by Am. 37, 7 F.R. 9001, effective 11-9-42 and amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1390.30 *Definitions.* (a) When used in this Maximum Price Regulation No. 136, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembly of a machine or part, and includes subcontractors as well as prime contractors.

(3) "Machinery service supplier" means any person engaged in the performance of a machinery service, and includes subcontractors as well as prime contractors.

(4) "Price" means any consideration in connection with a sale, lease, exchange or other transfer of a machine or part or of a machinery service, and includes prices, rentals, rates, and charges.

(5) "Parts and subassemblies" includes all metallic and nonmetallic component parts, adjuncts, and accessories of products set forth in § 1390.32, Appendix A, or in § 1390.33, Appendix B, which have been machined or fabricated. The term does not include castings as sold by the foundry, mill steel, raw, unfinished, or scrap materials, or any other materials in such form as to permit their use in the manufacture of products other than those set forth in § 1390.32, Appendix A, or § 1390.33, Appendix B.

(6) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 136, as amended.

§ 1390.31 *Effective date.* This Maximum Price Regulation No. 136, as amended (§§ 1390.1 to 1390.34, inclusive), shall become effective July 22, 1942, except that this Maximum Price Regulation No. 136, as amended, shall not apply to sales or deliveries of electric storage batteries until November 7, 1942.

[§ 1390.31 amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 13, 7 F.R. 6937, effective 8-1-42; Am. 28, 7 F.R. 7913, effective 10-1-42; and correction to Am. 31, 7 F.R. 8433]

[Issued June 30, 1942]

§ 1390.31a *Effective dates of amendments.* [Effective dates of amendments

are shown in notes following the parts affected.]

§ 1390.32 *Appendix A: Machines and parts to which the October 1, 1941, date is applicable—(a) Prime movers, etc.*

Diesel engines, except aircraft diesel engines.
Gas engines and gas generators.
Gasoline and kerosene engines for marine, tractor, railway, and stationary use (not including portable outboard motors).
Hydraulic turbines and hydraulic turbine governors.
Steam engines and steam turbines.

[Paragraph (a) amended by Am. 25, 7 F.R. 7912, effective 10-9-42, and Am. 69, 8 F.R. 2270, effective 2-25-43]

(b) *Industrial and marine power apparatus.*

Boilers, industrial and marine.
Oil burners, industrial and marine (burning not less than No. 6 oil).
Power operated industrial and marine soot blowers and tube cleaners.
Stokers, industrial and marine (1,200 lbs. per hour or more).

[Paragraph (b) as amended by Am. 74, 8 F.R. 4331, effective 4-8-43]

(c) *Processing machinery and equipment.*

Cement-making machinery.
Ceramics machinery.
Chemical process machinery.
Cotton-ginning machinery.
Die-casting machinery.
Electroplating and hot-dip metal coating equipment, including preparatory and finishing equipment used in connection with metal coating processes.
Floor surfacing and floor maintenance machinery (industrial).
Food and beverage machinery, including baking, canning, bottling, confectionery, brewing, grain-milling, meat-packing, edible oil, sugar and dairy machinery and equipment (except dairy farm equipment).
Foundry machinery (including ladles not over 40 ton capacity).
Glass-making machinery.
Hat-making machinery.
Laundry, dry-cleaning, and clothes pressing machinery (except domestic).
Leather-working machinery.
Packaging, wrapping, filling, and labeling machinery.
Paint-making machinery.
Petroleum-refining machinery.
Pharmaceutical machinery.
Plastics molding and fabricating machinery.
Printing machinery.
Pulp, paper, and paper products machinery.
Rod and wire-working machinery.
Rolling mill machinery and equipment.
Rubber and allied products machinery.
Rubber tire and tube machinery.
Sewing machines, industrial.
Shoe manufacturing and repairing machinery.
Spring-winding and forming machinery.
Textile preparatory and finishing machinery and equipment (including accessories designed exclusively for use with such machinery).
Tobacco-working machinery.
Woodworking machinery.

[Paragraph (c) amended by Am. 25, 7 F.R. 7912, effective 10-9-42; Am. 54, 7 F.R. 9729, effective 11-25-42; Am. 74, 8 F.R. 4331, effective 4-8-43; Am. 94, 8 F.R. 9139, effective 7-8-43; and Am. 101, 8 F.R. 14617, effective 11-1-43]

(d) *Construction and mining machinery, etc.*

Asphalt mixing plant.
Coal preparation equipment.
Concrete mixing, placing, and finishing equipment.
Cranes (overhead, crawler, and locomotive), hoists and derricks.
Crawler and non-agricultural tractors.
Core drilling machinery.
Excavating and earth-moving machinery (including power shovels, ditchers, draglines, and power scrapers).
Dredging machinery.
Heaters, stone, sand, or bitumen.
Mining machinery (including mine cars and trucks).
Oil well equipment.
Ore-crushing and concentrating machinery.
Pile drivers.
Road building and maintenance machinery (including graders, pavers, rollers, etc.).
Rock crushers.
Snow plows.
Spreaders.
Well-drilling equipment.

[Paragraph (d) amended by Am. 25, 7 F.R. 7912, effective 10-9-42; and Am. 101, 8 F.R. 14617, effective 11-1-43]

(e) *Electrical equipment.*

Arresters, lightning.
Batteries, storage, including automotive.
Capacitors, except fixed capacitors of the types and sizes used for military radio and radar equipment.
Carbon, graphite and metal graphite products for electrical uses.
Circuit breakers.
Condensers, synchronous.
Conduit, metallic, at wholesale level only.
Conduit fittings.
Control equipment, industrial, except control devices for domestic installations.
Converters, synchronous.
Distribution boards.
Ducts, metallic and non-metallic, except wooden and asbestos cement conduit.
Electrodes and welding rods for electric or gas welding.
Fuses, for the protection of electrical equipment.
Generators, except automotive.
Heating units and devices, electrical, industrial.
Instruments, electrically or magnetically actuated, for measuring, testing, recording, or indicating electrical or non-electrical quantities, except automotive.
Lighting equipment, electrical:
Airports.
Airways.
Commercial.
Floodlighting.
Industrial.
Marine.
Seadromes.
Street and highway.
Line material, trolley.
Magnetos.
Magnets, lifting, industrial.
Metals and alloys, special electrical (except steel with less than 6% alloy content) in any fabricated form used for electrical resistance, magnetic or glass sealing purposes, including special contact alloys and special coated iron wire.
Motors.
Motor generator sets.
Outlets, metallic.
Panelboards.
Rectifiers, power, industrial.
Regulators, feeder voltage.
Searchlights, except military searchlights.

Signalling apparatus, except railway signals.
Substations, unit.
Switchboxes, metallic.
Switches, knife and enclosed.
Switchgear and switchgear accessories.
Telegraph apparatus.
Telephone apparatus, including sound powered telephone and non-electronic intercommunicating telephone equipment.
Transformers including specialty transformers, except electronic transformers.
Turbine generator sets.
Welding apparatus and supplies, electrical.
Wiring devices.

[Paragraph (e) amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 25, 7 F.R. 7912, effective 10-9-42; Am. 66, 8 F.R. 534, effective 1-18-43; Am. 67, 8 F.R. 1058, effective 1-27-43; and Am. 101, 8 F.R. 14617, effective 11-1-43]

(f) *Railroad equipment (for steam and electric railroads and surface, elevated, and underground railways).*

Freight cars (including all types and sizes of flanged wheel mining and industrial cars).
Passenger cars.
Locomotives and tenders (including mining and industrial).
Car and locomotive parts and specialties, including:
Bearings, truck side.
Boilers, fireboxes, front ends, and cabs, fittings, fixtures, devices or appliances mounted thereon.
Brakes and brake gear.
Coupler devices or attachments.
Devices and appliances mounted on locomotives for treatment, distribution, and control of water, fuel, steam, sand, and electricity.
Doors and fixtures (except those subject to Revised Price Schedule No. 40—*Builders' Hardware and Insect Screen cloth*¹⁰).
Draft gears, buffers, and attachments.
Driving, foundation, and running gear.
Heating, lighting, ventilating, and air conditioning equipment.
Journal boxes, assembled.
Lubricating devices.
Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on cars or locomotives (not including artillery or other exclusively military or naval equipment designed for mounting on cars or locomotives).
Safety appliances and warning devices.
Sides, roofs, ends, running boards, brake steps.
Spring rigging, snubbers, shock absorbers.
Steel tires.
Train control apparatus.
Trucks, complete.
Underframes.
Wheels, cast iron and spun steel.

Machines, tools, devices, and appliances designed specifically for the installation, operation, maintenance, and protection of tracks, yards, signals, rolling stock, and motive power.

Signal equipment, including highway crossing signals.

Stationary plants for handling fuel, sand, water, and cinders.

[Paragraph (f) as amended by Am. 74, 8 F.R. 4331, effective 4-8-43]

(g) *Auxiliary equipment.*

Air-conditioning equipment (25 tons' capacity or over).

Dust collecting equipment, industrial.

Heat exchange equipment, industrial.

¹⁰ 7 F.R. 1280, 2132, 8383, 8948; 8 F.R. 7257.

Industrial furnaces and ovens (not including space heating furnaces and stoves, blast furnaces, open hearth furnaces, Bessemer converters, soaking pits, coke ovens, and industrial furnaces used solely for the manufacture of pig iron or steel).

Lubricating systems and devices, industrial. Material handling equipment (including skid platforms; cars and trucks except those equipped with flanged wheels, racks except shelving and stationary storage racks, etc.).

Metal marking and numbering machines. Refrigerating equipment (25 h. p. or over). Water softening and purifying equipment, industrial.

[Paragraph (g) amended by Am. 54, 7 F.R. 9729, effective 11-25-42; Am. 74, 8 F.R. 4331, effective 4-8-43; and Am. 77, 8 F.R. 4515, effective 4-12-43]

(h) Miscellaneous.

Elevators and conveyors.

Fans and blowers (including domestic hot air furnace fans), except pedestal, portable, and ceiling household and office fans.

Gas welding and cutting equipment, welding rods, welding wire, electrodes, and supplies. Gyroscopes.

Industrial power-operating devices for applying protective coatings or for the application of metals by spraying methods.

Mechanical instruments for measuring, testing, recording, or indicating, including aircraft, marine, scientific, laboratory, and precision instruments (not including special gages manufactured pursuant to the customer's drawings, carpenters' tools, or surgical, optical, and dental instruments). Portable heating, melting, burning, and thawing equipment for industrial and transportation purposes (not including mechanic's fire pots and blow torches).

Portable power driven tools, which in normal use are held or guided by hand and not customarily attached to a permanent support.

Power driven tools, primarily designed for use on a bench and for the working of wood, plastics, etc. (except bench tools especially designed for metal working which are subject to Revised Price Schedule No. 67).

Pumps and compressors, except automotive, hand operated, and farm pumps.

Surveying and drafting instruments, and engineering reproduction equipment (not including school, art and office supplies).

Valves, automatic.

Weighing scales, industrial and platform.

[Paragraph (h) amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 3, 7 F.R. 6425, effective 8-19-42; Am. 54, 7 F.R. 9729, effective 11-25-42; Am. 65, 8 F.R. 369, effective 1-13-43; Am. 73, 8 F.R. 4331, effective 4-8-43; and Am. 101, 8 F.R. 14617, effective 11-1-43]

(i) Miscellaneous parts and subassemblies, etc.

Antifriction bearings, except automotive.

Bi-metallic thermal strips, fabricated.

Chains, sprocket, and roller and silent, except automotive.

Galvanometer and pyrometer movements.

Industrial clockwork systems used in connection with mechanical instruments.

Industrial power transmission equipment belt tighteners and shifters, clutches, couplings and collars, hangers and brackets, motor bases, pillow blocks and bearing housings, pulleys and sheaves, universal joints, variable-speed drives.

Springs for mechanical instruments set forth in paragraph (h) hereof.

[Paragraph (i) amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 25, 7 F.R. 7912, effective 10-9-42; Am. 54, 7 F.R. 9729, effective 11-25-42; and Am. 91, 8 F.R. 8275, effective 6-21-43]

(j) *Parts and subassemblies of machine tools or of any of the items set forth in paragraphs (a) to (i), inclusive, of this Appendix A when manufactured by the manufacturer of the complete item.* (This paragraph applies to any such part or subassembly, even when it is of a type listed in paragraph (c) of § 1390.33, and even though it may in some cases be incorporated in items other than those set forth in paragraphs (a) through (i) inclusive of this Appendix A).

[Paragraph (j) amended by Am. 54, 7 F.R. 9729, effective 11-25-42 and Am. 106, effective 12-1-43]

(k) *Machine tools (except when subject to Revised Price Schedule No. 1² or Revised Price Schedule No. 67.²¹)*

[Paragraph (k) added by Am. 1, 7 F.R. 5665, effective 7-22-42]

(l) *Machines and parts for which October 15, 1941, is the base date.* Gears, pinions, sprockets, and speed reducers, including gear motors and other motorized speed reducers, and variable speed gear drives, but not including the following: (1) automotive or tractor transmissions, transfer cases, power take-offs, differentials, or axle assemblies; (2) any items designed for use in private or commercial motor vehicles or any items specially designed for use in vehicles, aircraft, or equipment used primarily for military purposes; (3) any items sold or delivered pursuant to contracts entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal, Procurement Division of the Treasury, or any other agency of the

²¹ Superseded by Maximum Price Regulation No. 1 (8 F.R. 10116, 13104). Establishes maximum prices for second-hand machine tools and extras. Revised Price Schedule No. 67 (7 F.R. 1337, 2000, 2105, 2472, 2473, 2680, 2996, 3445, 3820, 4176, 5513, 5987, 7239, 7834, 8928, 8948, 9039, 9052, 9053, 11074) establishes maximum prices for new machine tools and standard extras. Both of these Regulations remain in effect and are not superseded by this Maximum Price Regulation No. 136 as amended. Chucks, mandrels, collets and machine tool attachments (see Appendix B, § 1390.33) sold by the machine tool manufacturer as standard extras are subject to Revised Price Schedule No. 67; in all other cases they are subject to this Maximum Price Regulation No. 136 as amended. Parts, subassemblies, attachments and accessories, other than standard extras, sold by a subcontractor to a machine-tool manufacturer are subject to this Maximum Price Regulation No. 136 as amended. Rentals of machine tools and the service of repairing and rebuilding machine tools are subject to this Maximum Price Regulation No. 136 as amended.

United States prior to February 18, 1942; (4) any items covered in paragraph (j) of this section.

[Paragraph (l) added by Amendment 62, 7 F.R. 10230, effective 12-11-42]

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942, date is applicable.* (a) Any part or subassembly of any item mentioned in § 1390.32, Appendix A, except that when the manufacturer also manufactures one or more complete items mentioned in Appendix A and the part or subassembly in question is also in some cases used as a component of such complete item, then the part or subassembly is not included within this Section but is included within Appendix A. This paragraph does not include any part or subassembly which is itself covered in Appendix A or which is mentioned in § 1390.34, Appendix C.

[Paragraph (a) as amended by Am. 25, 7 F.R. 7912, effective 10-9-42]

(b) Any part or subassembly of any item mentioned in this Appendix B and any part or subassembly of any industrial machinery or equipment not mentioned in § 1390.32, Appendix A, unless any such part or subassembly is itself covered in Appendix A or is mentioned in § 1390.34, Appendix C. "Industrial machinery" means any machinery or equipment used in the extraction, production, or processing of commodities for any use, but does not include mobile or field units, motor vehicles or trailers, farm equipment as defined in § 1361.9 (a) (3) of Maximum Price Regulation No. 133—*Retail Prices for Farm Equipment*,²² or any product mentioned in Appendix C.

[Paragraph (b) as amended by Am. 1, 7 F.R. 5665, effective 7-22-42]

(c) Miscellaneous.

Automotive testing and maintenance equipment, mechanical and electrical (not including any portable tools, machine or hand tools, or mechanical or electrical instruments set forth in § 1390.32).

Battery chargers (except motor generator sets).

Brushes, industrial power-driven.

Bushings, porcelain, glass and steatite for electrical uses.

Casters, except those subject to § 1390.32 Appendix A of this regulation.

Cutting tools, including the following illustrative list:

Augers, machine.

Bits, machine.

Blades, hacksaw—all types.

Blades, power driven saw.

Blades, machine, shear, etc.

Broaches.

Chasers.

Chisels, machine.

Counterbores.

Countersinks, machine.

Cutters, machine.

Dies, cutting and threading.

Drills, twist.

Dressers, abrasive wheel (except diamond dressers).

²² 8 F.R. 13176.

Extractors.
Files, rasps and burrs.
Form tools.
Hobs.
Knives, machine.
Knurling tools.
Punches, machine.
Reamers.
Rules, creasing, cutting, perforating.
Scraper blades, machine.
Taps.
Tips, tool, tungsten carbide, stellite, etc.

Dies, jigs and fixtures (except when the die is sold or a separate charge is made therefor in connection with the sale of the product in the production of which it is used and the maximum price established for the product includes the price for such die).

Earth and rock anchors.

Electrical wire, cable and cable accessories (except when subject to Revised Price Schedule No. 82, as amended).¹³

Electronic apparatus and parts (regardless of being referred to in Appendix A) for industrial, commercial or government uses, including but not limited to radar and radio transmitting and receiving equipment, other than domestic receivers and other apparatus covered by Revised Price Schedules No. 83¹⁴ and No. 84.¹⁵ Power Rectifiers are excluded from this classification, being classified under § 1390.32, Appendix A.

Fixed capacitors of the type and size used for military radio and radar equipment (these have an April 1, 1943 base date).

Gaskets and packing, except automotive.

Gears, pinions, sprockets and speed reducers, except automotive or tractor transmissions, transfer cases, power take-offs, differentials or axle assemblies, specially designed for use in vehicles, aircraft or equipment used primarily for military purposes.

Governors, engine.

Ground steel stock for punches, dies, jigs, fixtures, etc.

Hand-operated tools, especially designed for manufacture, repair, or maintenance of aircraft, military vehicles or other predominantly military equipment.

Insulators, porcelain, glass and stellite for electrical uses.

Inter-communicating systems, electronic.

Jacks and jack screws, manually operated.

Machine and machine tool attachments and accessories (except when subject to Maximum Price Regulation 1 or Revised Price Schedule No. 67). The term machine and machine tool attachments and accessories means all devices used with, but not an integral part of, machines or machine tools and includes the following illustrative list:

Adapters.

Arbors.

Blocks, machine tool.

Brakes, spindle.

Centers, bench.

Centers, lathe.

Chucks, all types.

Clamps.

Collets.

Cutter heads.

Die heads.

Die sets.

Dogs, work driving.

Edges, straight.

Electric etchers and de-magnetizers.

Fingers, feeding.

Glasses, level.

Grinders.

Guides, adjustable.

Heads, universal dividing.

Holders, tool.

Holders, work.

Mandrels, all types.

Plates, angle.

Plates, bench.

Plates, brick liner.

Plates, face.

Plates, lapping.

Plates, surface.

Plates, wearing.

Posts, tool.

Saw accessories (sets, swages, guides, clamps, bracing tools).

Sockets.

Stops, machine.

Templates.

Wheels, buffing and polishing (except as covered by Maximum Price Regulation No. 316).¹⁶

Manufacturers' optical processing machinery, other than optical RX laboratory machinery subject to Maximum Price Regulation No. 188.¹⁷—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Metal hose and tubing, flexible (except as covered by Maximum Price Regulation No. 149—Mechanical Rubber Goods).

Military searchlights, completely assembled. Molds and patterns (except when the mold or pattern is sold or a separate charge is made therefor in connection with the sale of the product in production of which it is used and the maximum price established for the product includes the price for such mold or pattern).

Neon indicator attachments.

New automotive trucks, trailers, and busses, originally designed for use as private or commercial motor vehicles, which are manufactured on or after August 12, 1943, when sold by any person. The foregoing does not include automotive trucks, trailers, and busses specially designed for use as military vehicles; nor does it include cars and trucks covered by § 1390.32 (g) as "Material Handling Equipment."

Open tanks and vessels (metal) except field erected tanks or vessels; domestic fuel oil storage tanks; products commonly known as plumbing fixtures, such as flush tanks and laundry trays; products commonly known as pans and cans, such as pails, buckets, non-returnable shipping containers, refuse receptacles, drip receivers, and waste receivers).

Pipe and tube tools, manually operated, including beading, belling, bending, cleaning, cutting, expanding and flaring, and wrenches for operating.

Pole line hardware and line construction specialties.

Power cylinders, hydraulic, pneumatic, and hydro-pneumatic.

Pressure tanks (metal) (except field erected tanks; high pressure cylinders not over 1,000 lbs. water capacity for shipping or storing liquids or gases at pressures up to 3,000 lbs. per square inch; range boilers or expansion tanks not over 192 gal. capacity; made of metal not over 12 BWG gauge).

Public address apparatus.

Replacement units and assemblies for mechanical refrigerators having a refrigerated volume of 16 cubic feet or less.

¹³ 7 F.R. 1741, 11385.

¹⁴ 7 F.R. 5872, 7967, 8943, 8948, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9836, 10433, 10906, 11037, 12406, 12479, 12186, 12668.

Screw machine products (this shall not include bolts, nuts, screws, and rivets, as defined in Maximum Price Regulation No. 147.¹⁸ The sales of these are subject to Maximum Price Regulation No. 147 or the General Maximum Price Regulation, depending upon the type of seller).

Sharpening and filing equipment.

Siren blowers.

Special gages manufactured pursuant to the customer's drawings (including special purpose plug, ring, snap, height, length, and location gages, but not general purpose graduated or adjustable gages).

Specially designed tools (except those subject to Appendix A of this regulation).

Springs (except springs subject to Appendix A of this regulation, and furniture and bed springs subject to Maximum Price Regulation No. 188, Maximum Price Regulation No. 213,¹⁹ and Maximum Price Regulation No. 380).²⁰

Steam cleaning equipment, degreasing equipment, and parts washing and cleaning equipment.

Testing sets for electronic equipment.

Tools, manually operated, for the cutting, forming, and punching of metals.

Vises, all types; vise mounts, stands and supports.

Wheels (except those specially designed for military use and those subject to Appendix A of this regulation, Revised Price Schedule No. 6, Maximum Price Regulation No. 246,²¹ and Maximum Price Regulation No. 452²²).

X-ray apparatus.

X-ray and electro-therapeutic apparatus and supplies.

[Paragraph (c) amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 3, 7 F.R. 6425, effective 8-19-42; Am. 12, 7 F.R. 6973, effective 9-8-42; Am. 15, 7 F.R. 7010, effective 9-9-42; Am. 16, 7 F.R. 7246, effective 9-29-42; Am. 24, 7 F.R. 7907, effective 10-8-42; Am. 54, 7 F.R. 9729, effective 11-25-42; Am. 69, 8 F.R. 2270, effective 2-25-43; Am. 77, 8 F.R. 4515, effective 4-12-43; Am. 85, 8 F.R. 6614, effective 5-24-43; Am. 96, 8 F.R. 10662, effective 8-12-43; Am. 97, 8 F.R. 10988, effective 8-5-43; Am. 101, 8 F.R. 14617, effective 11-1-43; Am. 102, 8 F.R. 14619, effective 11-1-43 and Am. 106, effective 12-1-43]

(d) Any part or subassembly of any item mentioned in this section, excluding any part or subassembly which is itself covered in § 1390.32, Appendix A or which is mentioned in § 1390.34, Appendix C.

[Paragraph (d) added by Am. 25, 7 F.R. 7912, effective 10-9-42]

§ 1390.34 Appendix C: Illustrative list of products not covered by Maximum Price regulation No. 136.

(Note: Maximum prices for the following products are established by the General Maximum Price Regulation or by other price schedules, regulations, or orders issued by the Office of Price Administration)

Abrasive wheels.

Aircraft gasoline and diesel engines.

Bolts, nuts, screws, and rivets (as defined in Maximum Price Regulation No. 147).

Carpenter's tools.

¹⁸ 7 F.R. 3808, 3905, 8948; 8 F.R. 8361.

¹⁹ 7 F.R. 6968, 8940, 8948; 8 F.R. 150, 4850, 12470.

²⁰ 8 F.R. 5929, 7114, 13712.

²¹ 7 F.R. 8587, 9089, 8948; 8 F.R. 236, 544, 6045, 6425, 7767, 9623, 9997, 11435.

²² 8 F.R. 11572, 12237.

¹³ 7 F.R. 1358, 2133, 7034, 8948; 8 F.R. 5810, 10656.

¹⁴ 7 F.R. 1360, 2000, 2132, 2302, 3125, 3820, 8948.

¹⁵ 7 F.R. 1362, 2000, 2132, 2169, 2303, 2512, 2843, 3321, 6771, 7902, 8948; 8 F.R. 3703, 5632.

Castings, ferrous and non-ferrous, as sold by the foundry, whether rough or machined.
 Christmas tree lighting sets.
 Dairy farm equipment.
 Diamond dies.
 Domestic electrical appliances (except fans and blowers).
 Domestic furnaces.
 Domestic laundry, dry-cleaning, and clothes pressing machinery.
 Domestic radios and phonographs.
 Domestic stokers.
 Drill pipe, casing and tubing.
 Dry batteries.
 Electrical control devices used for domestic installations.
 Farm pumps.
 Flashlights.
 Frames, bolsters, couplers, and yokes (the maximum prices of which are established by Revised Price Schedule No. 41—*Steel Castings*).²³
 Hand hoist chains.
 Hand tools, except those specially designed for manufacture, repair, and maintenance of aircraft, military vehicles or other predominantly military equipment.
 Hand-operated pumps.
 Household machines.
 Incandescent and fluorescent bulbs and tubes.
 Instrument jewel bearings.
 Iron and steel products (as defined in Revised Price Schedule No. 6²⁴).
 Manual valves.
 Mechanical rubber goods (the maximum prices of which are established by Maximum Price Regulation No. 149²⁵).
 Non-ferrous bearings and bushings.
 Non-ferrous forgings.
 Office machines.
 Parts and subassemblies sold for use in farm equipment as defined in § 1361.9 (a) (3) of Maximum Price Regulation No. 133—*Retail Prices for Farm Equipment*.
 Photographic equipment.
 Portable, pedestal, and ceiling household and office fans.
 Portable lamps.
 Radio receiving set and phonograph parts not primarily designed for commercial, police, or military use, or for use in the Navy or Merchant Marine (See Revised Price Schedule No. 84—*Radio Receiver and Phonograph Parts*).
 Reducing bushings.
 Round link and coil chains.
 Rubber belts and belting.
 Surgical, optical, and dental instruments.
 Washers.
 Watches and clocks (except industrial clock-work systems used in connection with mechanical instruments.)

[§ 1390.34 amended by Am. 1, 7 F.R. 5665, effective 7-22-42; Am. 15, 7 F.R. 7010, effective, 9-9-42; Am. 25, 7 F.R. 7912, effective 10-9-42; Am. 66, 8 F.R. 134, effective 1-18-43; Am. 75, 8 F.R. 4331, effective 4-8-43; Am. 84, 8 F.R. 6359, effective 5-19-43; Am. 95, 8 F.R. 9520, effective 7-23-43; and Am. 102, 8 F.R. 14619, effective 11-1-43]

§ 1390.35 Appendix D: Table of depreciation rates.

[NOTE: The items listed in this table are not fully described. Their scope is to be ascertained from § 1390.32, Appendix A and § 1390.33, Appendix B. Items listed in this table are listed in the same order as they appear in Appendix A and Appendix B. The maximum price of items not listed in this table may not be ascertained by the depreciation method.]

²³ 8 F.R. 12992, 13846.

²⁴ 7 F.R. 1215, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 7240, 8948; 8 F.R. 6042, 6440, 7257.

²⁵ 8 F.R. 10813, 13172.

Items on Appendix A (§ 1390.32)

| Machine or part | Depreciation rate per annum (percent) |
|---|---------------------------------------|
| (a) Prime movers, etc.: | |
| Diesel engines (up to 400 RPM)..... | 7½ |
| Diesel engines (above 400 RPM)..... | 10 |
| Gas engines and gas generators..... | 10 |
| Gasoline and kerosene engines..... | 10 |
| Hydraulic turbines and hydraulic turbine governors..... | 5 |
| Steam engines and steam turbines..... | 5 |
| (b) Industrial and marine power apparatus: | |
| Boilers (industrial), Up to 50 H. P..... | 7½ |
| Boilers (industrial), Over 50 H. P..... | 5 |
| Boilers (marine)..... | 7½ |
| Oil burners..... | 10 |
| Soot blowers and cleaners..... | 10 |
| Stokers..... | 10 |
| (c) Processing machinery and equipment: | |
| Cement making machinery..... | 5 |
| Ceramics machinery..... | 7½ |
| Chemical process machinery..... | 7½ |
| Cotton ginning machinery..... | 5 |
| Die casting machinery..... | 7½ |
| Electroplating and hot dip metal coating equipment..... | 5 |
| Floor surfacing and floor maintenance machinery (industrial)..... | 10 |
| Food and beverage machinery..... | 6 |
| Dairy machinery..... | 6 |
| Foundry machinery..... | 5 |
| Glass making machinery..... | 7½ |
| Hat making machinery..... | 5 |
| Laundry, dry cleaning, and clothes pressing machinery..... | 6 |
| Leather working machinery..... | 7½ |
| Packaging, wrapping, filling, and labeling machinery..... | 6 |
| Painting and varnish making machinery..... | 5 |
| Petroleum refining machinery..... | 5 |
| Pharmaceutical machinery..... | 5 |
| Plastics molding and fabricating machinery..... | 7½ |
| Printing and publishing machinery..... | 9 |
| Pulp, paper and paper products machinery..... | 6 |
| Rod and wire working machinery..... | 5 |
| Rolling mill machinery..... | 5 |
| Rubber and allied products machinery..... | 6 |
| Industrial sewing machines..... | 6 |
| Shoe manufacturing and repairing machinery..... | 7½ |
| Spring winding and forming machinery..... | 5 |
| Textile preparatory and finishing machinery..... | 7½ |
| Tobacco working machinery..... | 7½ |
| Lumber manufacturing and wood-working machinery..... | 7½ |
| (Paragraph (c) as amended by Am. 94, 8 F.R. 9139, effective 7-8-43) | |
| (d) Construction and mining machinery, etc.: | |
| Asphalt mixing plants..... | 20 |
| Backfillers, powered..... | 20 |
| Batcher plants..... | 10 |
| Bins, steel..... | 10 |
| Brooms, road, powered..... | 20 |
| Buckets, concrete, clamshell, orange peel, cableway, dragline, elevator, etc..... | 20 |
| Bulldozers..... | 10 |
| Clamps, column..... | 20 |
| Concrete carts..... | 20 |
| Concrete finishers, floor..... | 15 |
| Concrete finishers, road..... | 10 |
| Concrete mixers—portable or stationary..... | 20 |
| Concrete mixers—pavers..... | 10 |
| Concrete mixers—truck..... | 10 |
| Concrete spreaders, road..... | 20 |
| Conveyors, belt..... | 20 |
| Cranes, crawler..... | 15 |
| Cranes, locomotive..... | 10 |
| Cranes, overhead..... | 5 |

Items on Appendix A (§ 1390.32)—Con.

| Machine or part | Depreciation rate per annum (percent) |
|--|---------------------------------------|
| (d) Construction and mining machinery, etc.—Continued. | |
| Cranes, truck..... | 20 |
| Crawler and non-agricultural tractors..... | 20 |
| Crushers, stone..... | 10 |
| Derricks..... | 10 |
| Ditchers..... | 20 |
| Dredgers, clamshell..... | 10 |
| Dredgers, dipper..... | 10 |
| Dredgers, hydraulic..... | 5 |
| Drilling machinery, blast hole or churn..... | 15 |
| Drilling machinery, auger..... | 15 |
| Drilling machinery, core..... | 15 |
| Drilling machinery, drifter..... | 30 |
| Drilling machinery, pneumatic percussion..... | 30 |
| Elevating graders..... | 15 |
| Excavators, dragline..... | 15 |
| Excavators, trencher..... | 25 |
| Graders, blade towed..... | 15 |
| Graders, motor patrol..... | 20 |
| Heaters, stone, sand, bitumen, concrete..... | 20 |
| Hoists, pneumatic, gas, diesel, steam, electric..... | 20 |
| Loaders, front end..... | 20 |
| Loaders, belt or bucket..... | 15 |
| Mining machinery: | |
| Cars, mine..... | 10 |
| Classifiers..... | 10 |
| Coal cutting machines..... | 10 |
| Convertors, copper..... | 10 |
| Conveyors..... | 10 |
| Crushers..... | 10 |
| Elevators, bucket..... | 10 |
| Flotation machines..... | 10 |
| Furnaces..... | 10 |
| Jigs..... | 10 |
| Mills..... | 10 |
| Ovens, electric..... | 10 |
| Presses, filter..... | 10 |
| Scrapers, slip..... | 30 |
| Scrapers, wheel..... | 10 |
| Screens..... | 10 |
| Separators..... | 10 |
| Skips, hoisting..... | 5 |
| Tables, concentrating..... | 10 |
| Thickeners..... | 5 |
| Tipples..... | 5 |
| Oil well equipment: | |
| Blowout preventers..... | 30 |
| Core barrels..... | 30 |
| Crown blocks..... | 20 |
| Derricks..... | 10 |
| Drawworks..... | 20 |
| Drill collars..... | 15 |
| Drill pipe..... | 30 |
| Drilling rigs..... | 20 |
| Elevators..... | 15 |
| Gas lift systems..... | 25 |
| Hooks..... | 10 |
| Hydraulic pumping systems..... | 25 |
| Kellys..... | 15 |
| Meters..... | 15 |
| Oil treating plants..... | 20 |
| Oilwell pumps..... | 25 |
| Packers..... | 30 |
| Power takeoffs..... | 20 |
| Pull rods..... | 20 |
| Pumping jacks..... | 10 |
| Pumping powers..... | 10 |
| Pumping units..... | 10 |
| Rotaries..... | 20 |
| Regulators..... | 15 |
| Rotary fishing tools..... | 20 |
| Separators..... | 15 |
| Spudders..... | 20 |
| Submersible elec. pumps..... | 25 |
| Sucker rods..... | 35 |
| Tanks (shop assembled)..... | 15 |
| Tongs..... | 15 |
| Tool joints..... | 30 |
| Traveling blocks..... | 20 |
| Water treating plants..... | 20 |
| Well servicing hoists..... | 20 |

Items on Appendix A (§ 1390.32)—Con.

| Machine or part | Depreciation rate per annum (percent) |
|---|---------------------------------------|
| (d) Construction and mining machinery, etc.—Continued. | |
| Pile drivers, drop..... | 5 |
| Pile drivers, steam hammers..... | 5 |
| Plows, snow..... | 10 |
| Portable power driven tools..... | 25 |
| Pneumatic tools; drills, jack hammers, rivet hammers, tampers, chippers, paving breakers..... | 30 |
| Rollers, powered road..... | 10 |
| Rollers, sheepfoot tamping..... | 10 |
| Scrapers, carry type..... | 15 |
| Screens..... | 20 |
| Shovels, powered..... | 15 |
| Spreaders, material..... | 20 |
| Vibrators..... | 30 |
| (e) Electrical equipment (all items)..... | 5 |
| (f) Railroad equipment (all items)..... | 5 |
| (g) Auxiliary equipment: | |
| Air conditioning equipment..... | 5 |
| Dust collecting equipment..... | 10 |
| Furnaces..... | 7½ |
| Ovens..... | 10 |
| Heat exchange equipment..... | 7 |
| Lubricating systems and devices..... | 10 |
| Metal marking and numbering machines..... | 10 |
| Material handling equipment..... | 8 |
| Open tanks and vessels..... | 3 |
| Pressure tanks..... | 4 |
| Refrigerating equipment..... | 5 |
| Water softening and purifying equipment..... | 10 |
| (h) Miscellaneous: | |
| Elevators..... | 5 |
| Conveyors..... | 8 |
| Fans and blowers..... | 10 |
| Gas welding and cutting equipment..... | 10 |
| Gyroscopes..... | 10 |
| Industrial power operated devices for applying protective coatings, etc..... | 20 |
| Mechanical instruments for measuring, testing, recording or indicating and precision instruments..... | 12½ |
| Portable heating, melting, burning and thawing equipment..... | 10 |
| Pumps and compressors..... | 6 |
| Scientific and laboratory instruments..... | 8 |
| Surveying and drafting instruments..... | 8 |
| Engineering reproduction equipment..... | 7½ |
| Weighing scales..... | 10 |
| Valves..... | 10 |

Items on Appendix B (§ 1390.33)

| | |
|--|----|
| Automotive parts, subassemblies and accessories..... | 15 |
| Automotive testing and maintenance equipment..... | 10 |
| Battery chargers..... | 10 |
| Chucks, mandrels, collets and machine-tool attachments..... | 10 |
| Earth and rock anchors..... | 5 |
| Electrical wire, cable and cable accessories..... | 10 |
| Governors, engine..... | 10 |
| Hand operated tools, specially designed for manufacture, repair, or maintenance of aircraft, military vehicles, etc..... | 10 |
| Neon indicator attachments..... | 10 |
| Pole line hardware and line construction specialties..... | 5 |
| Power cylinders..... | 5 |
| Sharpening and filing equipment..... | 10 |
| Siren blowers..... | 5 |

[§ 1390.35 added by Am. 76, 8 F.R. 4476, effective 4-10-43, and amended by Am. 106, effective 12-1-43. Former § 1390.35 added by Am. 2, 7 F.R. 5908, effective 7-30-42 and revoked by Am. 60, 7 F.R. 10109, effective 12-8-42]

§ 1390.36 Appendix E: Form for application for adjustment—(a) Form for application for adjustment of maximum prices of machines and parts—(1) Form.

Form OPA 694:178a

Form Approved
Budget Bureau No. 08-R388
UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

Application for Adjustment of Maximum Prices for Machines and Parts Under Maximum Price Regulation No. 136, as Amended

Company name.....
Address.....
(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe product(s) for which price increase is requested.

3. Present the following information for each product listed in Item 2 above.

NOTE: If more than one product is being reported, present the required information on another sheet.

(a) Dollar volume of unfilled orders, \$.....

(b) Unit volume of unfilled orders. (Indicate unit used),

(c) Degree of completion of production on unfilled orders,

(d) Anticipated dollar volume of new orders for the next: 3 months, \$.....; 6 months, \$.....; 12 months, \$.....

4. Present evidence that the company is an essential supplier of an essential machine or part.

NOTE: If more than one product is being reported, present the required information on another sheet.

(a) For each product designated in Item 2 above, fill in the following if you have entered into, or propose to enter into, a war contract or subcontract for the sale of that product.

(1) Identification of contract

(2) Name of purchaser

(3) Address of purchaser

(Street) (City) (State)

(b) Present any other information which demonstrates that the seller is an essential supplier of an essential machine or part.

(NOTE: The terms "war contract," "subcontract," "essential supplier," and "essential machine or part" are defined in the adjustment provision under which this report is filed (§ 1390.25a of Maximum Price Regulation No. 136, as Amended).)

5. Are similar machines or parts sold by competitors in your region?

(Yes or No)

If yes, give names and addresses of competitors, and their prices for such machines or parts.

SCHEDULE B

Important. If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation consolidated financial statements as well as financial statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and bonuses and the number of officers.)

2. Financial data 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

| | 1936 | 1937 | 1938 | 1939 | 1940 |
|---|------|------|------|------|------|
| Net sales..... | | | | | |
| Cost of goods sold..... | | | | | |
| Administrative expense..... | | | | | |
| Selling expenses..... | | | | | |
| Net operating profit..... | | | | | |
| Other income less other expenses..... | | | | | |
| Net profit before income taxes..... | | | | | |
| Debt (except current) at end of year..... | | | | | |
| Net worth at end of year..... | | | | | |
| Total assets..... | | | | | |

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization?.....

(Yes or No)

If no, state exceptions.

SCHEDULE C

UNIT PRICE AND COST INFORMATION

Designation of Product:

NOTE: If more than one product is involved, prepare and file separate reports on this schedule for each product that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. Price data.

(a) Net realized price:

| | Celling price, 194— | Current price | Requested price |
|---|---------------------|---------------|-----------------|
| 1. (List) (Gross) price..... | | | |
| 2. Less: Trade discounts..... | | | |
| 3. Net realized price..... | | | |
| 4. Net realized price at maximum discount and/or commissions..... | | | |

(b) Analysis of sales of the above designated product: Sales for

(No. of months)

month period, 1943.
(Month and Day)

| | Percentage amount of commission or discounts | Dollar value of sales after discounts |
|---|--|---------------------------------------|
| Sales subject to commission of..... (1).....% | | \$..... |
| Sales subject to commission of..... (2).....% | | |
| Sales not subject to commission..... | XXX | |
| Sales subject to discount of..... (1).....% | | \$..... |
| Sales subject to discount of..... (2).....% | | |
| Sales subject to discount of..... (3).....% | | |
| Sales subject to discount of..... (4).....% | | |
| Sales subject to discount of..... (5).....% | | |
| Sales not subject to discount..... | XXX | |
| Total sales of above designated product..... | XXX | \$..... |

(c) Total sales for the above designated product only:

| | 1940 | 1941 | 1942 | months ending 1943 |
|------------------------------------|------|------|------|--------------------|
| Total unit volume of sales | | | | |
| Total dollar volume of sales (net) | \$ | \$ | \$ | \$ |

(d) Is the price currently charged for the product the same as the maximum price filed with OPA? _____

(Yes or No)

(If answer is "No", state date when increased price was first charged.) Date: _____, 194__

(Month)

(e) Indicate whether the current maximum price is a list or established price () or a formula price () (Check one). Price used since _____, 194__

(Month)

(f) State on a separate sheet the reasons for the need of the requested price increase.

2. Unit Cost Data:

| | Ceiling date costs, 194__ | Costs, October 1942 | Current date costs, 1943 |
|---|---------------------------|---------------------|--------------------------|
| (a) Direct material | \$ | \$ | \$ |
| (b) Direct labor | | | |
| (c) Factory overhead | | | |
| (d) Selling expense (do not include discounts and commissions under Price Data above) | | | |
| (e) Administrative expense | | | |
| (f) Freight out, if any | | | |
| (g) Installation expense, if any | | | |
| (h) Other expense, specify | | | |
| (i) Total cost per unit | | | |

(j) What method is used in allocating factory overhead?

1. Standard ☐; Actual ☐; Other ☐ (Check one).

2. Direct labor cost ☐; Director labor hours ☐; Machine hours ☐; Other ☐.

(Explain separately if "other" or combination.)

AFFIDAVIT

State of _____ ss:
County of _____

(Applicant)

By _____

(Title)

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

(Signature)

Subscribed and sworn to before me this _____ day of _____, 1943.

(Officer administering oath)

(2) Instructions for the form:

INSTRUCTIONS FOR THE USE OF ADJUSTMENT APPLICATION FORM FOR MACHINES AND PARTS

In preparing this application, please consider that the form is intended to cover a wide variety of products. Therefore, you will find that some of the questions do not apply

to your product. Moreover, you may find that some point that is important in your case is not covered in the form. Adapt the form if this can be done or state the information on a separate sheet if that will be clearer. If any difficulty is experienced in completing this form it may be taken to the nearest OPA district accountant who will give his assistance in its preparation.

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. Price Data: (a) 1. (List) (Gross) Price: Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.

(a) 2. Dealers' Commissions: Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the machine covered by the application, use the rate that applies to the largest amount of sales.

(a) 3. Trade Discounts: Deduct trade discounts at the average rate of discounts prevailing in your company for the product covered by the application.

(b) Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. Unit Cost Data: In presenting unit cost data be sure to include only actual cost.

Material cost must represent actual cost. State separately any charges added to costs of materials. In the case of a seller other than a manufacturer direct material means the price at which the seller purchased the machine or part.

Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply.

The cost data for the ceiling date may be recomputed if the machine or part covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under items (f), (g) and (h) include only

(b)

costs borne by the seller and not billed separately to the buyer.

[Paragraph (a) as amended by Am. 92, 8 F.R. 8544, effective 6-25-43]

(b) Form for application for adjustment of maximum prices of machinery services.

Form OPA 694:178b

UNITED STATES OF AMERICA OFFICE OF PRICE ADMINISTRATION WASHINGTON, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES FOR MACHINERY SERVICES UNDER MAXIMUM PRICE REGULATION NO. 136, AS AMENDED

Company Name _____
Address _____ (Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

1. General description of company's business.

2. Type of machinery service for which price increase is requested.

3. Describe war or civilian need of the service.

4. State, on a separate sheet, the reasons for the requested price increase.

5. State the names and addresses of competitors in your region rendering the same machinery services and state the rates charged by each.

6. State whether you sell any new or used machinery, and if you do, state what it is.

7. If you sell machinery, state whether you perform any machinery services in connection with such sales, and if you do, describe the services and your method of charging for the same.

8. File the following information for the service described in Item 2 above.

(a) Price March 31, 1942 \$ _____
Present price \$ _____
Requested price \$ _____

per _____
Service unit (machine-hour, man-hour, etc.)

| | Year ended 194__ | Year ended 194__ | months ending 194__ |
|--|------------------|------------------|---------------------|
| Total number of service units performed including those not billed | | | |
| Number of service units billed | | | |
| Dollar amount of service billings | | | |

9. Costs per service

| | Ceiling date March 31, 1942 | Current date (month) 1943 | Basis of allocation (specify below) |
|---|-----------------------------|---------------------------|-------------------------------------|
| Direct Labor | | | XXXXXXX |
| Shop overhead | | | |
| Administrative expense | | | |
| Selling expense | | | |
| Other expense (specify) | | | |
| Total cost per service unit | | | XXXXXXX |
| Average hourly wage rate, exclusive of overtime, for direct labor engaged in this service | | | XXXXXXX |
| Average number of hours worked per man per week (Direct labor only) | | | XXXXXXX |

Important. If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have reported the same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, the financial data should be submitted for the parent corporation.

10. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expenses, selling expenses and officers' salaries, including the number of officers.)

11. Financial data, 1936-1940

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

| | 1936 | 1937 | 1938 | 1939 | 1940 |
|---|------|------|------|------|------|
| Net sales..... | | | | | |
| Cost of goods sold..... | | | | | |
| Gross profit..... | | | | | |
| Administrative expenses..... | | | | | |
| Selling expense..... | | | | | |
| Net operating profit..... | | | | | |
| Other income less other expenses..... | | | | | |
| Net profit before income taxes..... | | | | | |
| Debt (except current) at end of year..... | | | | | |
| Net worth at end of year..... | | | | | |
| Total assets..... | | | | | |

12. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? If "No" state exceptions: _____

Yes or No

Applicant

By _____

Title

AFFIDAVIT

STATE OF _____

County of _____, ss:

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment, and that he had read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature

Subscribed and sworn to before me this _____ day of _____ 194____.

Officer Administering Oath

[§ 1390.36 added by Am. 78, 8 F.R. 4516, effective 4-10-43]

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19015; Filed, November 26, 1943; 4:40 p. m.]

PART 1396—FINE CHEMICALS AND DRUGS [MPR 353, Amdt. 3]

CERTAIN FINE CHEMICALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1396.59 (c) (2) is amended by adding at the end thereof a paragraph to read as follows:

Ivano, Inc., Chicago, Illinois, may sell and deliver 60,000 pounds of synthetic anhydrous caffeine produced from xanthine, derived from urea or other organic material, pursuant to its contract with an industrial consumer at a price no higher than \$12.10 per pound. The maximum price on final settlement under such contract shall be a price, in no case higher than \$12.10 per pound or lower than \$9.00 per pound, which is equal to the cost (exclusive of selling and administrative expense) to Ivano, Inc., of producing such product as determined on the basis of an audit to be made on the termination of the aforementioned contract or such earlier date as the Administrator may hereafter fix, and the amount of any payment in excess of the maximum price so determined shall be refunded by Ivano, Inc.

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER A. BOWLES,
Administrator.

[F. R. Doc. 43-19018; Filed, November 26, 1943; 4:38 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[RO 4A, Incl. Amdt. 7]

TYPEWRITERS

The preamble and §§ 1398.101, 1398.102, 1398.103, 1398.106, 1398.107 (b), 1398.109 (a), 1398.111 (a), 1398.115, 1398.118, 1398.126 (b), 1398.127 (a), (c), (d), 1398.128 (a) (b), and 1398.150 amended; §§ 1398.112 and 1398.114 revoked by Amendment 7, effective December 1, 1943 so that Ration Order 4A shall read as follows:

Preamble. New and used typewriters have been rationed by the Office of Price Administration since March 12, 1942, under the provisions of Rationing Order No. 4 or Revised Rationing Order No. 4. Under those Orders, persons showing need for typewriters for certain eligible work were authorized to buy typewriters in exchange for Certificates issued by War Price and Rationing Boards. Rentals of used typewriters were freely permitted, until August 29, 1942, when Amendment No. 4 limited the rental of non-portable typewriters made since 1934 to persons eligible to buy them.

However, sales and rentals of non-portable typewriters made since 1934 were frozen by Amendment No. 7 to Revised Rationing Order No. 4, to save these machines for the Army, Navy, and other war agencies. The same amendment froze the sale of non-portables made between 1915 and 1934, inclusive, and of some portables, so as to save these machines for rental by the public.

Members of the trade have in stock about 235,000 non-portable typewriters made between 1915 and 1942 inclusive, fully a third of them made prior to 1928. The needs of the public must be met

principally from this stock. As against this supply, there has been a normal rental demand for about 150,000 machines.

To assure a supply of the more recent models of typewriters for work essential to the prosecution of the war it is necessary to ration the rental of these machines. To do so, Ration Order 4A has been issued to replace Revised Ration Order No. 4.

Under this program, typewriters are classified into four classes: A, B, C and D. These classes are set up by make, model and serial number. Some Class A, B, and C typewriters are also classed as "Special" typewriters. In general, the classes are as follows:

Class A. Standard makes and models of used non-portable typewriters made after 1934.

Class B. Standard makes and models of non-portable typewriters made between 1923 and 1934 inclusive.

Class C. Standard makes and models of non-portable typewriters made between 1924 and 1927 inclusive; also, all new and used heavy duty portable typewriters, manufactured since July 1, 1941.

Class D. All typewriters not included in Classes A, B or C.

Special. New non-portable typewriters allocated by the War Production Board to this office for rationing and typewriters of Classes A, B, or C which, because of some special type or feature, are usable primarily for special purposes.

In general, Class A, B and C typewriters may not be sold. Class A and B typewriters may be rented for a limited period of time on certificates issued by War Price and Rationing Boards to persons who have need for typewriters for work essential to the prosecution of the war. Class C typewriters may be rented for a limited period of time without certificates. Class D typewriters may be rented or sold without restriction. Special typewriters may be sold in exchange for certificates issued by the Washington office of the Office of the Price Administration.

Valid rentals in force on the date of this order (December 28, 1942) may be continued until the end of the contract rental period. All rentals of typewriters, except Class D typewriters, must be subject to recovery upon further order of the Office of Price Administration.

In order that dealers, wholesalers, and manufacturers may get a stock of typewriters, used typewriters and new typewriters released by the War Production Board are permitted to be acquired by them without the surrender of certificates if they keep records and file reports required of them.

Since certificates are not used by dealers for replacement purposes, dealers who

*Copies may be obtained from the Office of Price Administration.

18 F.R. 3951, 6441, 13125.

17 F.R. 10806.

receive certificates from customers are required to retain one copy and forward a duplicate, containing a report of the transaction, to the Office of Price Administration as directed on the certificate.

Accordingly, pursuant to the authority vested in the Office of Price Administration and the Price Administrator by Executive Orders Nos. 9125 and 9250 issued by the President on April 7, 1942, and October 3, 1942, respectively; by Directive No. 1, Supplementary Directive No. 1D, and Conversion Order No. L-54-a of the War Production Board, issued January 24, 1942, March 5, 1942, and March 17, 1942, respectively, *It is hereby ordered, That:*

SUBPART A—HOW TO GET A TYPEWRITER ACQUIRING TYPEWRITERS WITH CERTIFICATES

- Sec.
- 1398.101 Certificate is needed to buy special typewriters or to get rental preference.
- 1398.102 Boards issue certificates to rent Class A and B typewriters.
- 1398.103 National Office issues certificates for special typewriters.
- 1398.104 Certificates will not be issued for other typewriters.
- 1398.105 Person who needs typewriter for essential work may get a certificate.
- 1398.106 Application made to Board where typewriter will be used.
- 1398.107 Application made on Form R-401 (Revised).
- 1398.108 Appearance by applicant not usually required.
- 1398.109 Contents of certificate.
- 1398.110 Rental period may not exceed six months.
- 1398.111 Invalid certificate.
- 1398.112 [Revoked].

ACQUIRING TYPEWRITERS WITHOUT CERTIFICATE

- 1398.114 [Revoked].
- 1398.115 A Class A, B, C, or special typewriter may be rented without certificate.
- 1398.116 Class D typewriters not restricted.
- 1398.117 Typewriters may be used by employees and others.
- 1398.118 Typewriter may be acquired from a person owning only one typewriter.
- 1398.119 Typewriters may be acquired as part of assets of business.
- 1398.120 Revoked.
- 1398.121 Used typewriters may be acquired for export.
- 1398.122 Typewriters may be imported.

SUBPART B—HOW THIS ORDER AFFECTS THE TRADE

- 1398.124 Members of trade may acquire typewriters.
- 1398.125 Transfer on invalid certificates not permitted.
- 1398.126 Rental period is limited.
- 1398.127 Rental must be subject to certain conditions.
- 1398.128 Discrimination not permitted.
- 1398.129 Rented typewriter may be returned.
- 1398.130 Transfer for repair and repair loans permitted.
- 1398.131 Transfer of new typewriters by manufacturers.
- 1398.132 Records must be kept.
- 1398.133 Reports must be made.
- 1398.134 Report must be filed for new business.
- 1398.135 Information about transfer must be entered on certificate.

SUBPART C—GENERAL PROVISIONS

OTHER TRANSFERS PERMITTED

- Sec.
- 1398.137 Transfers between government agencies permitted.
- 1398.138 Procurement Division of Treasury Department may acquire used typewriters.
- 1398.139 Transfer of new typewriters for export or to government agency exempt.
- 1398.140 Transfers to carriers and warehouses permitted.
- 1398.141 Transfer by operation of law, or for security permitted.
- 1398.142 Transfer of damaged, lost, or stolen typewriters permitted.

PROHIBITED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

- 1398.144 Transfers of typewriters prohibited.
- 1398.145 Certificates generally not transferable.
- 1398.145a Other prohibitions in General Ration Order 8.

JURISDICTION OF BOARDS

- 1398.146 Jurisdiction of Boards with respect to trade.

APPEALS AND SUSPENSION ORDERS

- 1398.147 Persons may appeal.
- 1398.148 Violators may lose right to rationed products.

DEFINITIONS AND CLASSES OF TYPEWRITERS

- 1398.149 Terms explained.
- 1398.150 Typewriters are Classed as A, B, C, D, and Special.

ORDER EFFECTIVE

- 1398.151 Revised Rationing Order No. 4 is revoked.
- 1398.152 Effective date of order.
- 1398.153 Effective dates of amendments.

AUTHORITY: §§ 1398.101 to 1398.152, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W. P. B. Directive No. 1, Supplementary Directive No. 1-D, Conversion Order No. L-54-a, 7 F. R. 562, 1792, 2130.

SUBPART A—HOW TO GET A TYPEWRITER

(This part contains all one must know to get a typewriter)

ACQUIRING TYPEWRITERS WITH CERTIFICATES

§ 1398.101 *Certificate is needed to buy special typewriters or to get rental preference.* A person who wishes to obtain a priority to rent a Class A or B typewriter must first get a certificate for that purpose and give it to the person from whom he is to rent the typewriter (A certificate for the rental of a Class A typewriter may be used to rent a Class A or B typewriter, and a certificate for the rental of a Class B typewriter may be used to rent a Class A or B typewriter.) A person who wishes to buy a special typewriter must first get a certificate for that purpose and give it to the person from whom he is to buy the typewriter.

[§ 1398.101 amended by Am. 6, 8 F.R. 14010, effective 10-16-43 and Am. 7, effective 12-1-43]

§ 1398.102 *Boards issue certificates to rent Class A and B typewriters.* War Price and Rationing Boards may issue certificates to permit persons to rent Class A and B typewriters. Boards are not concerned with other classes of typewriters. Neither may they issue certificates to permit a person to buy a typewriter. (Class A and B typewriters are listed in § 1398.150 (a) and (b).)

[§ 1398.102 as amended by Am. 7, effective 12-1-43]

§ 1398.103 *National office issues certificates for special typewriters.* The Office of Price Administration will issue certificates at its national office in Washington, D. C., to permit a person to acquire a special typewriter. However, if the typewriter is to be bought and used in a territory (other than the District of Columbia) or possession of the United States, the Territorial Director may issue the certificate. These certificates are valid only for 30 days from their date. (Special typewriters are described in § 1398.150 (e).)

[§ 1398.103 amended by Am. 3, 8 F.R. 7384, effective 6-7-43 and Am. 7, effective 12-1-43]

§ 1398.104 *Certificates will not be issued for other typewriters.* Certificates will not be issued to permit a person to acquire a typewriter except as stated above.

§ 1398.105 *Person who needs typewriter for essential work may get a certificate.* (a) A person who has need for a typewriter for work essential to the prosecution of the war may get a certificate. (However, this requirement may be waived by the national office as to special typewriters which are usable only by a small class of persons.)

(b) "Need" must be shown. It does not exist if, after getting a typewriter applied for, the applicant will own, possess, or control any serviceable typewriter, reasonably available for the purpose stated in his application, which is not used for business purposes an average of 24 hours or more per week. A typewriter is "serviceable" if it can be made so by reasonable repair.

§ 1398.106 *Application made to Board where typewriter will be used.* A person desiring to get a certificate to rent a Class A or B typewriter should apply to the Board serving the area where the typewriter will be used. (Application by a government may be made to any Board within the area served by the government.)

[Sec. 106 as amended by Am. 7, effective 12-1-43]

§ 1398.107 *Application made on form R-401 (Revised).* (a) Application to a Board should be made on OPA Form R-401 (Revised). The form must be filled out in full, giving all the informa-

tion required, and signed as directed on the form.

(b) *Application for a special typewriter may be made to the appropriate office by letter.* The application should describe the particular typewriter desired as to make, model, serial number, kind and pitch (letters to the inch) of the type, the name and address of the supplier, and full information as to the applicant's need for the typewriter.

[Paragraph (b) as amended by Am. 7, effective 12-1-43]

§ 1398.108 *Appearance by applicant not usually required.* An applicant may present his application in person, by mail, or by an agent. However, he may be required to furnish more information or proof in person, by witnesses, or in some other way.

§ 1398.109 *Contents of certificate.* (a) A certificate issued by a Board will contain the name of the applicant, the number and class of typewriters which may be rented, the length of the period for which they may be rented, and other matters required in the certificate form. (b) Certificates to purchase or rent special typewriters, issued by the National Office, will contain other information about the kind of typewriter and the terms of purchase or rental.

[§ 1398.109 as amended by Am. 7, effective 12-1-43]

§ 1398.110 *Rental period may not exceed six months.* A certificate will be issued to permit the rental of a typewriter only for the shortest period for which the applicant will need it. The period may not be longer than six months.

§ 1398.111 *Invalid certificates.* (a) A certificate is not valid if it has erasures or changes in any part required to be completed by the issuing office or which for any reason fails to show any essential provision. However, a local Board may write on a certificate the class or classes of typewriters which may be rented on it.

[Paragraph (a) as amended by Am. 7, effective 12-1-43]

(b) A certificate may be used only within 30 days from the date it was issued.

§ 1398.112 [Revoked]

[§ 1398.112 amended by Am. 3, 8 F.R. 7384, effective 6-7-43. Paragraph (b) amended and paragraphs (c) and (d) revoked by Am. 6, 8 F.R. 14010, effective 10-16-43. Section revoked by Am. 7, effective 12-1-43]

ACQUIRING TYPEWRITERS WITHOUT CERTIFICATE

§ 1398.114 [Revoked]

[§ 1398.114 amended by Am. 1, 8 F.R. 1065, 1589, effective 1-21-43 and Am. 2, 8 F.R. 5172, effective 4-23-43; revoked by Am. 7, effective 12-1-43]

§ 1398.115 *A Class A, B, C, or special typewriter may be rented without certificate.* A Class A, B, C or special type-

writer may be rented by, and to, any person, without the surrender of a certificate. (The length of the rental period and the terms of the rental are governed by §§ 1398.126, 1398.127, and 1398.128.)

[§ 1398.115 as amended by Am. 7, effective 12-1-43]

§ 1398.116 *Class D typewriters not restricted.* Any Class D typewriter may be transferred or acquired by any person, without restriction.

§ 1398.117 *Typewriters may be used by employees and others.* Any person who owns a typewriter for use may permit his employees or other persons to use it when there is no change of title or interest in the typewriter if no charge is made or received. A certificate need not be given up in such a case.

§ 1398.118 *Typewriter may be acquired from person owning only one typewriter.* Any person may acquire a typewriter for business purposes from a person owning only one typewriter. A certificate need not be given up in such case. However, a person who regularly deals in or repairs typewriters is not permitted to transfer typewriters under this section.

[§ 1398.118 as amended by Am. 7, effective 12-1-43]

§ 1398.119 *Typewriters may be acquired as part of assets of business.* (a) Any person who buys or otherwise acquires all or substantially all the assets of any store, business, plant, or other enterprise, including the good will, may acquire any typewriters included among the assets, without giving up a certificate, for use in the continuance of the business or enterprise, or for permissible transfer.

(b) However, any person who buys or otherwise acquires typewriters from a typewriter dealer, wholesaler, or manufacturer, under this section, may acquire them for permissible transfer only and must file the reports as explained in § 1398.134.

[§ 1398.119 as amended by Am. 2, 8 F.R. 5172, effective 4-23-43]

§ 1398.120 [Revoked.]

[§ 1398.120 revoked by Am. 6, 8 F.R. 14010, effective 10-16-43]

§ 1398.121 *Used typewriters may be acquired for export.* Any person may acquire a used typewriter for export to a foreign country upon approval of the Office of Economic Warfare, within a quota assigned to it. No other approval is required. (The export of new typewriters is not subject to this order, as explained later.)

[§ 1398.121 as amended by Am. 4, 8 F.R. 11948, effective 8-31-43]

§ 1398.122 *Typewriters may be imported.* Any person may import into the United States or its Territories or Possessions a typewriter owned by him. For this purpose he may transfer it to, or acquire it from, the United States Collector of Customs, or his deputy, without the surrender of a certificate.

SUBPART B—HOW THIS ORDER AFFECTS THE TRADE

(This part should be read by anyone who sells, rents, or deals in typewriters)

§ 1398.124 *Members of trade may acquire typewriters.* Any person may transfer a typewriter to a dealer, wholesaler, or manufacturer, who may acquire it for a permissible transfer or for repair, without giving up a certificate.

§ 1398.125 *Transfer on invalid certificates not permitted.* No person may transfer a typewriter for a certificate which is invalid or which he knows, or has reason to believe, was acquired in violation of this order.

§ 1398.126 *Rental period is limited.* (a) A rental of a typewriter for which a certificate is given up may be made for the period stated on the certificate, but not longer.

(b) A rental of a Class A, B, C or special typewriter made without the surrender of a certificate, when permitted by this order, may not be made for a period longer than six months and may be renewed or re-renewed only at the end of a rental period for an additional period of not to exceed six months.

[Paragraph (b) as amended by Am. 7, effective 12-1-43]

§ 1398.127 *Rental must be subject to certain conditions—(a) Recovery.* Regardless of any agreement, whenever made, the rental or loan of a Class A, B, C or special typewriter shall be revoked if the Office of Price Administration issues an order requiring its return.

[Paragraph (a) as amended by Am. 7, effective 12-1-43]

(b) *Advance payment of rentals.* No person may charge or receive any rental fee in advance for a period longer than the rental period permitted by this order.

(c) *Deposits.* No person may charge or receive a deposit to secure the return of a typewriter in an amount which, plus any advance rental paid, is more than the maximum dealer-to-dealer sale price for the typewriter permitted by Revised Maximum Price Regulation No. 162 of the Office of Price Administration.

(d) *Rental credit provisions.* No agreement for the rental of a Class A, B, C or special typewriter may contain an option to buy the same or another typewriter, or to credit rentals, deposits, or other sums paid toward its purchase price. However, if a person should be permitted to buy a typewriter under this order, the seller may give him credit for rent paid by him for that or any other typewriter.

[Paragraphs (c) and (d) as amended by Am. 7, effective 12-1-43]

§ 1398.128 *Discrimination not permitted.* (a) No dealer, wholesaler, or manufacturer shall discriminate, in renting Class A or B typewriters, among per-

sons who have been issued certificates to permit them to rent typewriters.²

(b) Every typewriter dealer, wholesaler and manufacturer, in renting a Class A or B typewriter, must give preference to a certificate-holder over a person not holding a certificate. If all the Class A and B typewriters of the dealer, wholesaler, or manufacturer are out on rental, he must, upon demand by a certificate-holder, recall the number of typewriters specified on the certificate within 48 hours from a person or persons to whom he rented them without certificates.

[Text of § 1398.128 designated as (a) and paragraph (b) added by Am. 2, 8 F.R. 5172, effective 4-23-43. Sec. amended by Am. 7, effective 12-1-43]

§ 1398.129 *Rented typewriter may be returned.* A person who has rented a typewriter to another may get it back without giving up a certificate.

§ 1398.130 *Transfer for repair and repair loans permitted.* Any person regularly engaged in the business of repairing typewriters may acquire a typewriter for repair and may return it without the surrender of a certificate.

[§ 1398.130 as amended by Am. 6, 8 F.R. 14010, effective 10-16-43]

§ 1398.131 *Transfer of new typewriters by manufacturers.* This order does not apply to the transfer of a new typewriter by a manufacturer unless it has been released to the Office of Price Administration by the War Production Board for rationing.

§ 1398.132 *Records must be kept.* For the information of the Office of Price Administration, every dealer, wholesaler, and manufacturer shall keep, for not less than two years, accurate and complete records of his supply, sales, rentals, and purchases of typewriters. He shall also keep all copies of forms which are or have been required to be kept by him by this order or by Revised Rationing Order No. 4. All records shall be made available for inspection by the Office of Price Administration.

§ 1398.133 *Reports must be made.* Persons affected by this order shall make such reports to the Office of Price Administration as it may, from time to time, require.

§ 1398.134 *Report must be filed for new business.* After the effective date of this order, every person desiring to become a dealer or wholesaler or to acquire the assets of a typewriter dealer or whole-

salor as permitted by § 1398.119, shall first file a statement with the Board which will have jurisdiction over his place of business. A separate statement shall be filed for each place of business, stating: (1) the name under which the business will be conducted; (2) the name of the owner and, if a corporation or association, the names of the principal officers; (3) a list of all typewriters on hand; and (4) the time when and the person from whom each typewriter was acquired.

§ 1398.135 *Information about transfer must be entered on certificate.* Every person transferring a typewriter for a certificate must enter on the certificate the date of the transfer, the typewriter's make, model, and serial number and in the case of a rental the expiration date, together with any other information the certificate form requires. He shall send one part of the certificate to the Office of Price Administration as directed on the certificate and shall keep the other.

SUBPART C—GENERAL PROVISIONS

(This part should be referred to when special problems arise)

OTHER TRANSFERS PERMITTED

§ 1398.137 *Transfers between government agencies permitted.* Any agency or department of a government may acquire a used typewriter from any other department or agency of such government, without giving up a certificate. As to departments and agencies of the United States, however, this provision is subject to orders of the Bureau of the Budget.

§ 1398.138 *Procurement Division of Treasury Department may acquire used typewriters.* The Procurement Division of the Treasury Department and any authorized agent may acquire used typewriters without giving up a certificate.

§ 1398.139 *Transfer of new typewriters for export or to Government agency exempt.* (a) This order does not apply to the acquisition of new typewriters by any agency of the United States or by any person for export to a foreign country. These cases are governed by the War Production Board.

(b) The term "agency of the United States" does not include: (1) privately operated plants or facilities financed or controlled by the Army, Navy, Defense Plant Corporation, or by any other agency of the United States; (2) plants or facilities operated on a cost-plus-fixed-fee basis.

§ 1398.140 *Transfers to carriers and warehouses permitted.* A typewriter may be transferred to or from a carrier in the course of its shipment and to or from a public warehouse in connection with its storage, without the surrender of a certificate.

§ 1398.141 *Transfer by operation of law, or for security permitted.* (a) A typewriter may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of a certificate: (1)

Any person pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law; (2) A Government or political subdivision or agency thereof in the enforcement or exercise against such typewriter of statutory rights or powers.

(b) A security interest in a typewriter, other than a pledge, may be created in favor of the following persons and in the following cases without the surrender of a certificate: (1) a Government or political subdivision or agency thereof; (2) any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States or by the government of a Territory or Possession of the United States; (3) any person where the security interest arises or is transferred with respect to all or substantially all the assets of a business enterprise.

(c) A typewriter or any interest therein or lien thereon acquired pursuant to paragraph (a) or (b) of this section may be returned to the person from whom it was acquired, or may be released, without the surrender of a certificate.

(d) Any person who has acquired a typewriter for security purposes or in whose favor a lien thereon has been created, under the authority of this section, or who holds a lien on or security interest in a typewriter created on or before March 6, 1942 may enforce the security, lien, or other interest in the manner provided by applicable laws. A typewriter so acquired by a person, unless by inheritance, may not be used by him and may be transferred only to a person expressly authorized by this order to buy the typewriter without giving up a certificate.

§ 1398.142 *Transfer of damaged, lost, or stolen typewriters permitted—*(a) *Damaged or stolen typewriters.* Damaged or stolen typewriters and undamaged typewriters mingled therewith, and typewriters in imminent danger of being damaged or stolen, may be acquired by the following persons, without the giving up of certificates, for permissible transfer only: (1) Persons lawfully engaging in the insurance business, and common or contract carriers in connection with the right of subrogation, or by virtue of the payment by them of any claim for damage to the typewriters; (2) persons performing public fire or safety functions, warehousemen, or persons engaged principally and primarily in the business of adjusting losses and selling, or reconditioning and selling, damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

(b) *Subsequent transfer.* Transfer of the typewriters by any person included in paragraph (a) of this section may be made only to: (1) another person so included; (2) the person from whose custody the typewriter was taken; or (3) a dealer, wholesaler, or manufacturer.

(c) *Return of lost or stolen typewriter.* A lost or stolen typewriter may be returned, without the surrender of a certificate, to the owner or the person rightfully in possession of it at the time of the loss or theft.

² *Evidence of discrimination.* The refusal of a dealer, wholesaler or manufacturer to rent a Class A or B typewriter to a person who offers to surrender a valid certificate permitting him to rent a typewriter of either Class A or B, to pay in cash the maximum rental fee and deposit which may be charged, and to transport the typewriter will be prima facie evidence of discrimination if the dealer, wholesaler, or manufacturer then owns and has in his possession a Class A or B typewriter which is not the subject of a valid agreement to sell or rent.

PROHIBITED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

§ 1398.144 *Transfer of typewriters prohibited.* (a) No person shall transfer or acquire a typewriter (or offer to do so) except in accordance with this order.

(b) No person who rents (or has rented) a typewriter may keep it after the end of the rental period except as authorized by this order.

(c) No person may keep a typewriter acquired by him in violation of this order or of Revised Rationing Order No. 4. He must return the typewriter to the person entitled to it or sell it to someone permitted to buy it under this Order, other than by § 1398.118.

§ 1398.145 *Certificates generally not transferable.* No person shall use, possess, or transfer any Certificate except as permitted in this order.

§ 1398.145a *Other prohibitions in General Ration Order 8.* General Ration Order 8 contains provisions, applicable to this and all other ration orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering or interfering with rationing officials; and

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

[§ 1398.145a added by Am. 5, 8 F.R. 12748, effective 9-21-43]

JURISDICTION OF BOARDS

§ 1398.146 *Jurisdiction of Boards with respect to trade.* For the purposes of this order, each War Price and Rationing Board shall have jurisdiction over: (a) each place of business of a dealer or wholesaler located in the area served by the Board; and (b) each manufacturer (including all branches, outlets, and sales agencies of the manufacturer) whose principal business office is located within the area served by the Board.

APPEALS AND SUSPENSION ORDERS

§ 1398.147 *Persons may appeal.* Any person directly affected by the action of a Board, District Director, or Regional Administrator taken with respect to any matter before him under this Order may appeal from such action pursuant to Procedural Regulation No. 9.*

[§ 1398.147 as amended by Am. 5, 8 F.R. 12748, effective 9-21-43]

* 8 F.R. 3783, 5677, 9626.

§ 1398.148 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, be prohibited from acquiring or transferring any typewriters or other rationed product for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote national security.

DEFINITIONS AND CLASSES OF TYPEWRITERS

§ 1398.149 *Terms explained.* (a) When used in this order the term—

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board. If the context so indicates, the term refers to the specific War Price and Rationing Board having jurisdiction.

(3) "Certificate" means an evidence of authority to acquire a typewriter, issued under the authority of this order on OPA Form No. R-403 (Revised) or other form provided by the Office of Price Administration. When described as being issued under Revised Rationing Order No. 4, it refers to such an evidence issued on OPA Form No. R-403.

(4) "Convert to use" means to use a typewriter previously held for some purpose other than use, whether or not there is a change of ownership or possession.

(5) "Dealer" means any person, other than a manufacturer, regularly engaged in the business of selling or renting typewriters to ultimate users.

(6) "Manufacturer" means a person who, at any time on or after March 6, 1942, has operated a plant to build or assemble new typewriters.

(7) "New," as applied to a typewriter, means any typewriter which has never been delivered to any person who has acquired it for use. The term does not include repaired, rebuilt, or reconditioned typewriters.

(8) "Non-portable typewriter" means any typewriter other than a portable typewriter.

(9) "Person" includes an individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and

* 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11806, 11480, 12482, 14211.

includes the United States or any agency thereof, and any other government or any political subdivision or agency thereof.

(10) "Portable typewriter" means any typewriter weighing less than 25 pounds.

(11) "Rental" includes lease, license, loan, or other hiring, with or without consideration.

(12) "Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver, physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest; when used as a noun the term means a conversion to use, sale, lease, loan, trade, gift, exchange, shipment, delivery, physical transfer to another in any manner, and any transaction involving a change in right, title, interest or possession.

(13) "Typewriter", unless expressly otherwise stated, includes non-portable typewriters (including noiseless and electric types) and portable typewriters. The terms does not include: continuous forms handling machines having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; metal stencil or addressograph-plate cutting machines; telegraphically controlled typewriters; Braille typewriters; toy typewriters; lino-type machines; or monotype machines.

(14) "Used", as applied to a typewriter, means any typewriter which at any time has been delivered to a person acquiring it for use.

(15) "Wholesaler" means any person, other than a manufacturer, regularly engaged in the business of selling typewriters to manufacturers, to other wholesalers, or to dealers.

(b) Words of the masculine gender shall also denote the feminine and neuter genders; words of the singular shall also denote the plural; and vice versa.

§ 1398.150 *Typewriters are classed as A, B, C, D and Special.* For the purposes of this order, typewriters are classified as follows:

(a) *Class A.* All the used non-portable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after January 1, 1935).

CLASS A

| Make | Models | Serial numbers |
|---|-------------------|--|
| Electromatic | All | 11,501 up. |
| Remington Standard | 11 (Short Stroke) | T 10,000 up; (also factory renumbered), TR 10,000 up. |
| Remington Standard | 12, 20, 30 | Z 333,501 up. |
| Remington Standard | 16 | Z 479,001 up. |
| Remington Standard | 17 | J 100,000 up. |
| Remington (or Monarch or Smith Premier) Standard | 50, 60 | W 134,501 up. |
| Remington (or Monarch or Smith Premier) Noiseless | 6, 61 | X 240,501 up. |
| Remington (or Smith Premier) Noiseless | 10 | X 332,501 up. |
| Royal | 10 | 1,715,001 up. |
| L. C. Smith Standard and Silent | 8, Super Speed | 1,135,001 up. |
| Underwood Standard | 6, S, Master | 4,300,001 up. |
| Underwood Noiseless | All | 3,924,001 up. |
| Woodstock | 5 | 400,001 up. |

(b) *Class B.* All used non-portable typewriters of the following makes, models and serial numbers: (In general, Class B includes typewriters manufactured between January 1, 1928 and December 31, 1934).

| CLASS B | | |
|---|----------------------|--|
| Make | Models | Serial numbers |
| Burroughs (Electric Carriage Return) Electromatic | 60 | All. |
| Remington (or Monarch or Smith Premier) Standard | All | To 11,500. |
| | 12, 20, 30 | Z 100,001 to Z 333,500; also two-letter prefix first letter L, X or B, first digit 8; also all-letter series; also factory renumbered ZR 300,000 up. |
| Remington Standard | 16 | Z 400,001 to Z 479,000; also factory renumbered ZR 500,000 up. |
| Remington (or Monarch or Smith Premier) Standard | 50, 60 | W 100,001 to W 134,500; also factory renumbered WR 300,000 up. |
| Remington (or Monarch or Smith Premier) Noiseless | 6, 61 | X 100,001 to X 240,500; also two-letter prefix—first letter Q, first digit 8; also all-letter series; also factory renumbered prefix XR or RX 10,000 up. |
| Remington (or Smith Premier) Noiseless | 10 | X 300,001 to X 332,500; also factory renumbered XR or RX 300,000 up. |
| Royal | 10 | 1,125,001 to 1,715,000; also factory renumbered Y 40 and later series, SY, CSY, HY or KHY. |
| L. C. Smith | 8, Super Speed | 776,001 to 1,135,000; also prefix RB or R-O factory renumbered. |
| Underwood Standard | 3/11", 12", 14", 16" | 710,001 to 4,300,000. |
| Underwood Standard | 3/18", 20", 26" | 145,001 to 4,300,000. |
| Underwood Standard | 5 | 2,330,001 to 4,300,000. |
| Underwood Standard | 6, S, Master | 2,330,000 to 4,300,000. |
| Underwood Noiseless | All | 3,835,000 to 3,924,000. |
| Woodstock | 5 | 177,000 to 400,001 and factory renumbered. |

(c) *Class C.* (1) All used non-portable typewriters of the following makes, models and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured between January 1, 1924 and December 31, 1927, inclusive.)

| CLASS C | | |
|--|----------------------|---|
| Makes | Models | Serial numbers |
| Remington Standard (Left Hand Carriage Return) | L | Two-letter prefix—first letter L or B; first digit 5, 6, 7, or 8. |
| Monarch (or Smith Premier) Standard | 30 | First Digit 5, 6, 7 or 8. |
| Remington (or Monarch or Smith Premier) Standard | 50, 60 | Two-letter prefix—first letter L or M; first digit 5, 6, 7 or 8. |
| Royal | 10 | 746,001 to 1,125,000; also factory renumbered Y prior to 40 series. |
| L. C. Smith (Left Hand Carriage Return) | 8 | 443,341 to 776,000; also prefix RA factory renumbered. |
| Underwood Standard | 3/11", 12", 14", 16" | 455,001 to 710,000. |
| Underwood Standard | 3/18", 20", 26" | 100,001 to 145,000. |
| Underwood Standard | 5 | 1,750,001 to 2,330,000. |

(2) New and used portable typewriters of the following makes, models and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after July 1, 1941.)

| CLASS C | | |
|---|--------------------|----------------|
| Makes | Models | Serial numbers |
| Corona | Silent | 38 95,439 up. |
| | Sterling | 3A 83,211 up. |
| | Standard | 3C 251,640 up. |
| | Pacemaker Sterling | 1A 36,553 up. |
| | Pacemaker Standard | 1C 187,462 up. |
| Remington (or Monarch or Smith Premier) | Noiseless | N1,140,001 up. |
| | Quiet No. 1 | P1,147,001 up. |
| | Deluxe No. 5 | B1,147,001 up. |
| Royal | A-Deluxe | 1,042,501 up. |
| | B-Aristocrat | 1,042,501 up. |
| | C-Arrow | 1,042,501 up. |
| Underwood | Noiseless | 1,327,001 up. |
| | Champion | 1,341,501 up. |
| | Universal | 1,341,501 up. |

(d) *Class D.* All non-portable and portable typewriters not included in Classes A, B, C or Special.

(e) *Special.* New non-portable typewriters allocated by the War Production Board to this Office for rationing; all Class A, B or C typewriters which are equipped with: (1) type other than 10 or

12 pitch (letters to the inch) pica or elite; (2) electric carriage return; (3) Special inbuilt features or attachments. (In general, this category includes all machines equipped with non-standard correspondence type or non-standard keyboards designed for use in writing a foreign language or for other specialized

work, electric carriage return typewriters and Electromatic typewriters.)

[§ 1398.150 as amended by Am. 7, effective 12-1-43]

ORDER EFFECTIVE

§ 1398.151 *Revised Rationing Order No. 4 is revoked.* Ration Order No. 4A takes the place of Revised Rationing Order No. 4, as amended, and §§ 1398.101 to 1398.112 are revoked, except that any violations which occurred, or rights or liabilities which arose before the effective date of this order shall be governed by the orders and their amendments in effect at the time the violations occurred or the rights or liabilities arose.

§ 1398.152 *Effective date of order.* Ration Order No. 4A (§§ 1398.101 to 1398.152, inclusive) shall become effective at 12: 01 a. m. December 28, 1942.

[Issued December 22, 1942]

§ 1398.153 *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

NOTE: The reporting requirements of this ration order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19025; Filed, November 26, 1943; 4:39 p. m.]

PART 1407—RATIONING OF FOODS AND FOOD PRODUCTS

[RO 16,¹ Amdt. 81]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respect:

Section 10.10 (a) is amended by inserting the following between the first and second sentences:

However, if a consumer imports foods covered by this order and does not, at the time, have the necessary points to give to the Collector of Customs, the collector may release these foods to him before he gives up the points if the foods are in imminent danger of spoilage. In that case, the consumer must give up the required number of points within twenty days thereafter. When the foods are released to the consumer, he must give to the collector his name and address and a statement, in writing, that he will send the required number of points to the collector within twenty days after the foods are released. If the collector does not receive the points within the time specified, he shall notify the district office for the place where the consumer lives. The notice shall state the name

*Copies may be obtained from the Office of Price Administration.

¹ 8 F. R. 13128, 13394.

and address of the consumer, the types and quantities of the foods imported for which points were not given up, and the number of points which the consumer still owes.

This amendment shall become effective December 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19012; Filed, November 26, 1943;
4:43 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amdt. 82]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 11.16 is added to read as follows:

Sec. 11.16 *Title to foods may be transferred point-free where the one who has title does not have possession.* (a) A person who has title to foods covered by this order but who does not have possession of them and who may not get possession of them without giving up points, may transfer his title to such foods point-free. (However, a person who acquires title to foods covered by this order in a way permitted by this section must give up points to obtain possession of such foods.)

This amendment shall become effective December 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19026; Filed, November 26, 1943;
4:42 p. m.]

PART 1440—PROCESSED FOOD COMMODITIES

[MPR 362,² Amdt. 1]

GELATIN

A statement of the considerations involved in the issuance of this amend-

*Copies may be obtained from the Office of Price Administration.

¹8 F.R. 13128, 13394.

²8 F.R. 4519.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2 (f) is amended to read as follows:

(f) For sales of not more than 6000 pounds to any single purchaser during any 30-day period sellers at wholesale shall determine their maximum prices for gelatin by adding to the prices specified in this section 15% of such prices.

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19013; Filed, November 26, 1943;
4:43 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-10]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN LEXINGTON DISTRICT

In the judgment of the District Director of the Lexington District Office, of the Office of Price Administration, prices of food and beverages sold for immediate consumption in the Counties of Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford, Kentucky, comprising the Lexington District of the Office of Price Administration, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

It is the further judgment of the District Director of the Lexington District that the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as possible, the District Director of the Lexington District gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved

October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living," 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, and under authority conferred by the Regional Administrator of Region III by Delegation Order No. 2-A issued September 25, 1943, the District Director of the Lexington District Office, of the Office of Price Administration, hereby issues this Restaurant Maximum Price Regulation No. 3-10, establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943, in the above specified Counties of the State of Kentucky.

§ 1448.210 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the District Director of the Lexington District by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328 and General Order No. 50, issued by the Office of Price Administration, and under authority conferred by the Regional Administrator of Region III by Delegation Order No. 2-A issued September 25, 1943, to the District Director of the Lexington District Office of the Office of Price Administration, Restaurant Maximum Price Regulation No. 3-10 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is issued.

AUTHORITY: § 1448.210 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3-10—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.

1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you did not sell in the seven-day period.
3. Class of food items and meals.
4. No ceiling prices to be higher than the highest price during the base period.
5. Substitution of food items in meals.
6. Prohibition against discontinuing meals at certain prices.
7. Evasion.
8. Rules for new proprietors and new establishments.
9. Taxes.
10. Records.
11. Posting.
12. Operation of several places.
13. Relation to other maximum price regulations.
14. Geographical application.
15. Definitions and explanations.
16. Enforcement.
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SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking establish-

ment, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 2, 3 and 4 herein. You may, of course, sell at less than ceiling prices.

SEC. 2. *How you figure your ceiling prices for food items and meals you did not sell in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period, as follows:

(a) If you offered the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case your records, as set forth in section 10 (c) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period, or the thirty-day period, or if you do not have adequate records of prices charged during the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal. The word "currently" as used herein means current at the time the pricing of the new food item or meal takes place.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

SEC. 3. *Class of food items and meals—*
(a) *Classes of meals.*

(1) For the purpose of classification under this regulation, there shall be thirteen classes of meals as follows: breakfast, lunch, tea, dinner, and supper on week days; breakfast, lunch, tea,

dinner and supper on Sundays; children's breakfast, lunch and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period, April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

Example. A week day roast pork dinner would be in a different class from a week day roast pork lunch or Sunday roast pork dinner or a week day vegetable plate dinner, but would be in the same class as a week day pork chop dinner.

(b) *Classes of food items.* (1) For the purpose of this regulation, food items as herein referred to shall be classified into the following categories:

FOOD ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, danish pastries, etc., served at breakfast.
7. All other breakfast dishes including jams, jellies and preserves.
8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef: steaks and roasts.
11. Veal: steaks, chops, and roasts.
12. Pork: loin, chops, steaks, roasts.
13. Lamb or mutton: chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries, and other baked goods.
24. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts: seasonal dessert specialties including but not limited to water-melons, cantaloupes, fresh fruits, and fresh berries.
26. Desserts: all others, including fruits, pudding and cheese.
27. Cold sandwiches, including garnishings, salads and vegetables.
28. Hot sandwiches: including garnishings, salads and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea, and milk.
31. Non-alcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins and brandies.
35. Cordials, including fruit liqueurs.
36. All other alcoholic beverages.

(2) Where you customarily, during the period April 4 to April 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays, and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist such food items shall be deemed to be distinguished as to class.

Example. Mashed potatoes offered a la carte for week day lunches would be in the same class of food items as potatoes au gratin offered a la carte for week day lunches but would be in a different class than mashed potatoes offered a la carte for week day dinners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) Your ceiling prices for food items or meals served on those days designated legal holidays by Federal Law or by the Law of the State of Kentucky may be the same as your Sunday ceiling prices for such establishments. If you customarily charged more than usual Sunday prices for meals and food items served on Easter, Thanksgiving, Christmas, New Year's Eve, or New Year's Day, you may, notwithstanding the provisions of sections 1 and 2 herein, continue to charge higher prices on those particular days, such higher prices, however, in no event to exceed 115% of your Sunday ceiling prices.

SEC. 4. *No ceiling prices to be higher than the highest price in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 10 herein, must include the menu or information showing the previous offering of such food item or meal at the higher price. The restriction of this section shall not apply to seasonal dessert specialties as specified in section 3, paragraph (b), Class 25.

Example. If during the seven-day period your highest price for a week day dinner was \$1.25; in general, that is the highest price you may charge for any week day dinner. If, however, you served a chicken dinner at \$1.50 on any week day within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at \$1.50 even though that is a higher price than any price charged for the same class dinner during the seven-day period. But you may not add a new meal not served during the 30-day period at a price in excess of \$1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

SEC. 5. Substitution of food items in meals. If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted, which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 2, 3, and 4 herein.

SEC. 6. Prohibition against discontinuing meals at certain prices. You must not now discontinue offering meals at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals at different prices representative of the range of prices at which you offered meals of the same class during the seven-day period, and unless

(b) You continue to offer on week days at least as many different meals at or below the lowest price charged by you for meals of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals at or below the lowest price charged by you for meals of the same class on Sunday, April 4, 1943, as you did on that day.

Example. Thus, you may select any week day in the seven-day period as the base day for week-day meals. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer at least two week-day dinners at 85¢.

SEC. 7. Evasion. (a) You must not evade the provisions of this regulation by any scheme or device, including:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Discontinuing a "no tipping" practice without a compensating reduction in your maximum prices;

(6) Reducing the selection of meals offered at table d'hôte prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hôte price for the complete meal, or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customer to one pat of butter per meal and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter. In such case, however, you shall adjust the price of such servings of butter whenever a separate charge is made therefor, in direct proportion to the change in size of serving. The resulting figure, if it contains a fraction of a cent, shall be adjusted to the next lower cent if the fraction is less than one-half, and to the next higher cent if the fraction is one-half or greater;

(2) You may reduce the quantity or eliminate altogether, ketchup, chili sauce, and any other condiment which is rationed;

(3) You may reduce the amount of sugar served according to your available supply;

(c) You must not, however, make the curtailment authorized in the foregoing sub-paragraphs and furnish these items at an additional charge. For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 8. Rules for new proprietors and new establishments. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to the commencement of business, however, you may apply to the Lexington District Office of the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or drinking place operating during the time of the base

period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11, immediately upon the opening of your place.

(c) *Changing type of service.* If you operated an eating or drinking establishment in the same establishment where you operated an eating or drinking place during the period, April 4 to April 10, 1943, but changed your type of operation, you shall apply to the Lexington District Office of the Office of Price Administration for your proper maximum prices.

(d) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating or drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period April 4 to April 10, 1943, use the rules set forth in sections 2, 3, and 4 of this regulation.

(2) If your establishment was not in operation during the base period April 4 to April 10, 1943, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 8, subsection (a) and (b) herein.

(3) If you cannot price under paragraph (1) and (2) herein and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Lexington District Office of the Office of Price Administration. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information.

(i) Your name and address and address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season, as well as the prices you propose to charge during the present or coming season, differentiating between week day, and Sunday and Holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or re-establish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under paragraphs (1) or (2) herein, you shall, within 10 days of the effective date of this order, file application with the Lexington District Office of the Office of Price Administration for approval of the prices which you are presently charging. Such

application shall include the same information as set forth for applications under paragraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

Sec. 9. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

Sec. 10. Records—(a) Filing of menus. General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) Filing by proprietors not in operation during this seven-day period. The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) above, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) Records of this seven-day period. You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period from April 4-10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) Customary records. You must preserve all your existing records relating to your prices, costs, and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) Future records. Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the

principal place of business within the city.

Sec. 11. Posting. (a) If you made menus available to customers in the seven-day period, April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing, the following statement:

All prices listed are at or below our ceiling prices, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4-10, 1943 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

Sec. 12. Operation of several places. If you own or operate more than one eating and drinking place, you must do everything required by this regulation for each place separately.

Sec. 13. Relation to other maximum price regulations. The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

Sec. 14. Geographical application. The provisions of this order shall be applicable to all eating and drinking places (as hereinafter defined in section (15) (e)) located in the Counties of Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford, of the State of Kentucky, comprising the Lexington District of the Office of Price Administration.

Sec. 15. Definitions and explanations. (a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which

are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 1 and 2, when they are items in different classes. (See section 3 (b) for "classes of food items.") For example: lamb chops offered a la carte for dinner or lunch are in Class 13, while if offered for breakfast, they are in Class 4.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, etc.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

Sec. 16. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 17. Exemptions. Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday School, or other religious occasions.

(b) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(c) Hospitals, except for food items and meals served to persons other than patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder

or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy shall be considered students.

SEC. 18. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Office of Price Administration, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfied the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the Lexington District Office of the Office of Price Administration an application in duplicate. The application should contain the following information:

(1) Your name and address.

(2) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of your same type.

(5) A list showing your present maximum prices and requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the District Director of the Lexington District who has been authorized by order of the Regional Administrator.

SEC. 20. Amendments. You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 21. Licensing. The provisions of Licensing Order No. 1 of the Office of Price Administration, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or the regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 22. Revocation. This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

This regulation shall become effective December 10, 1943.

NOTE: The reporting and record keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 15th day of October 1943.

E. REED WILSON,
District Director.

[F. R. Doc. 43-19023; Filed, November 26, 1943;
4:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended, Rev. Supp. Service
Reg. 18]

LOWER PRICED SERVICES

Supplementary Service Regulation 18 is redesignated Revised Supplementary Service Regulation 18 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of Revised Supplementary Service Regulation No. 18 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in that statement, the Price Administrator finds that the practices here-

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 478, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

in prohibited are evasive and manipulative and are equivalent to and likely to result in price increases inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended. Under the authority vested in the Price Administrator by that Act, and particularly by sections 2 (d) and 2 (g) thereof, this Revised Supplementary Service Regulation No. 18 is hereby issued.

§ 1499.670 Refusing to supply lower priced services. (a) A seller who is subject to Maximum Price Regulation No. 165 and who discontinues a service that he offered in March 1942, or since, and sells or offers to sell in its place a higher priced service is evading the Emergency Price Control Act of 1942 as amended, and is violating Maximum Price Regulation No. 165. No seller shall engage in such practice unless it appears that one or more of the following conditions exists:

(1) That specialized equipment or supplies requisite to a continuance of the particular service are not available; or

(2) That the continuance of the particular service would be in violation of or would be rendered impracticable by a governmental order or regulation, or that it would be contrary to governmentally established standards or policies; or

(3) That discontinuance of the particular service will enable the seller to maintain other services more necessary to the community directly concerned; or

(4) That other suppliers in the community are able and willing to supply the requested service or a similar service in requisite amount and at prices not exceeding the ceiling price of the particular seller.

(b) A seller refusing to supply a service must, unless otherwise permitted to do so by a general permissive order, certify by registered mail, for which a return receipt has been requested, to the appropriate Regional Office of the Office of Price Administration the existence of one or more of the conditions stated in paragraph (a). Unless sufficient facts are given to support the certification, the request will be denied, and an opportunity given to the seller to furnish additional evidence.

(c) *Effective date on which a service may be discontinued under paragraph (a).* Unless the Office of Price Administration or any authorized representative thereof shall, by notice mailed to the seller within thirty days from the date of its receipt of the certified statement, disapprove the request, the seller may discontinue the service.

(d) *Delegation of authority.* The appropriate Regional Office of the Office of Price Administration is hereby authorized to approve any request made subject to paragraph (a) above and shall give written notice of its action to the seller. Regional Offices are authorized to subdelegate the authority conferred by this section to the appropriate District Office of the Office of Price Administration.

(e) *Definition.* As used in this Revised Supplementary Service Regulation, the term "service" means one of the

types, forms, grades, or quantities of services offered for sale in March 1942, or since, the description or price of which was filed or was required to be filed by the seller under Maximum Price Regulation No. 165 with the appropriate war price and rationing board.

This Revised Supplementary Service Regulation No. 18 (§ 1499.670) shall become effective December 2, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19016; Filed, November 26, 1943;
4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 14 to GMPR, Amdt. 58]

TRANSPORTATION OF IRON ORE ON GREAT LAKES

The statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 7.16 is added to read as follows:

SEC. 7.16 *Transportation of iron ore by vessel on the Great Lakes.* The maximum rates for the transportation of iron ore on the Great Lakes from August 31, 1943 to December 31, 1943, inclusive, by carriers for hire other than common carriers, are as follows:

| Service | Rates in cents per gross ton (2,240 lbs.) |
|---|---|
| From Lake Superior ports west of Marquette to Lake Erie ports or ports in the south end of Lake Michigan..... | 86.4 |
| From Marquette, Michigan to Lake Erie ports or ports in the south end of Lake Michigan..... | 77.8 |
| From Escanaba, Michigan to Lake Erie ports..... | 64.8 |
| From Escanaba, Michigan to Lake Michigan ports..... | 51.8 |

NOTE: A charge not in excess of 14 cents per gross ton for unloading service may be made in addition to the above rates.

Provided, however, That pursuant to section 7.14, the rates set forth herein may be increased by 31.25% for such transportation services performed from December 1, 1943 to December 31, 1943, inclusive.

"Iron ore" means all classifications, grades, groups, blends, mixes and other categories of market, merchant, captive and non-captive iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota north of Minneapolis, or in the State of Wisconsin or Michigan, and used in the manufacture of iron ore steel.

The applicability of the maximum rates provided by this section 7.16 shall, unless extended or modified, terminate at midnight, December 31, 1943, where-

*Copies may be obtained from the Office of Price Administration.

upon the rates for such transportation shall be determined under the provisions of the General Maximum Price Regulation.

This amendment shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19021; Filed, November 26, 1943;
4:38 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS [2d Rev. MPR 270]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

Revised Maximum Price Regulation 270 is redesignated Second Revised Maximum Price Regulation 270 and is revised and amended to read as follows:

This regulation is issued to supersede Revised Maximum Price Regulation 270. A statement of the considerations involved in the issuance of this Second Revised Maximum Price Regulation 270 has been issued and filed with the Division of the Federal Register.* Such grades, standards and specifications as are used in this regulation were, prior to the regulation, generally used in the trade or industry affected.

§ 1351.1201 *Maximum prices for certain sales of dry edible beans and certain other dry food commodities.* Under the authority vested by the Emergency Price Control Act, as amended, and Executive Orders Nos. 9250 and 9328, Second Revised Maximum Price Regulation 270 (Dry Edible Beans and Certain other Dry Food Commodities) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.1201 issued under 56 Stat. 23, 765; Pub. Law 151, E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION 270—DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

ARTICLE I—EXPLANATION OF THE REGULATION

1. Purpose of the regulation; commodities and types of sales covered; exempt sales; and geographical applicability.
2. Definitions.

ARTICLE II—PRICING PROVISIONS

3. Maximum prices, f. o. b. country shipping point.
4. Maximum prices for all other sales.
5. Cost of transportation.
6. Packaging allowances.
7. Imported dry food commodities.
8. Miscellaneous provisions affecting prices.

ARTICLE III—GENERAL PROVISIONS

9. Applicability of certain provisions of the General Maximum Price Regulation.
10. Statements to be made on invoices.
11. Notification of change in prices.
12. Records which sellers must keep.
13. Compliance with this regulation.
14. Petitions for amendment.

ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Purpose of the regulation; commodities and types of sales covered; exempt sales; and geographical applicability.*—(a) *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for certain sales of dry edible beans and such other dry food commodities as may be added. These will be referred to as "listed commodities."

(b) *Commodities covered.* This regulation covers all dry edible beans.

(c) *Types of sales covered.* This regulation covers all sales of the listed commodities, except sales by wholesalers and retailers. "Wholesaler" and "retailer" mean the person respectively referred to as wholesalers and retailers, in Maximum Price Regulations Nos. 421,¹ 422,² and 423.³

(d) *Exempt sales.* The following sales are exempt from the provisions of this regulation:

(1) Sales by growers to country shippers, except in particular sales where the grower himself comes within the definition of "country shipper," as set forth in section 2 (a).

(2) Sales of "seed stock" for planting purposes;

(3) Export sales (see Second Revised Maximum Export Price Regulation).⁴

(4) Sales and deliveries of dry beans to any agency of the United States under contract entered into before October 5, 1942;

(e) *Geographical applicability.* This regulation applies to the 48 states of the United States and the District of Columbia.

SEC. 2. *Definitions.* (a) As used in this regulation the term:

"Country shipper" means a person who owns the listed commodity being priced in whole or in part and causes it to be split or screened, assorted, hand-picked, polished, cleaned or otherwise prepared for shipment; or purchases it from a grower and causes it to be split or screened, assorted, hand-picked, polished, cleaned or otherwise prepared for shipment;

"Country shipping point" means the first place where the listed commodity being priced is received from the grower and, having been split or screened, assorted, hand-picked, polished or otherwise cleaned is packed and stored in an elevator or other receiving station, or otherwise made ready for shipment from the producing area;

"Delivery" means (1) physical delivery of the goods to the buyer; (2) delivery of the goods to a carrier not owned or controlled by the seller for transmittal to the buyer; or (3) segregation and earmarking of the goods for the account of the buyer, at his request;

"Seed stock" means any of the listed commodities which are intended to be used for planting, and which comply

¹ 8 F.R. 9388, 10569, 10987, 13293.

² 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294.

³ 8 F.R. 4132, 5987, 7662, 9998.

⁴ 8 F.R. 9407, 10570, 10988, 12433, 13294.

with the Federal Seed Act or state seed acts, particularly with respect to labeling as to kind and variety, percentage of germination, and date of germination, and, if below Federal standard as set forth in the Federal Seed Act of 1939, are plainly marked "below standard."

(b) Unless the context otherwise requires, the definitions contained in section 302 of the Act and § 1499.20 of the General Maximum Price Regulation shall apply to other terms used in this regulation.

ARTICLE II—PRICING PROVISIONS

SEC. 3. *Maximum prices, f. o. b. country shipping point—(a) Certain dry edible beans.* The country shipper's maximum prices, f. o. b. country shipping point, for the following kinds and grades of dry edible beans are listed below:

| Dry edible beans | Maximum price per cwt. |
|---|------------------------|
| Kind of dry edible beans: | |
| Peas and medium white beans (navy): | |
| U. S. choice hand picked..... | \$5.90 |
| U. S. No. 1..... | 5.80 |
| U. S. No. 2..... | 5.65 |
| U. S. No. 3 and lower..... | 5.40 |
| Marrow beans (not including red marrow): | |
| U. S. choice hand picked..... | 7.25 |
| U. S. No. 1..... | 7.15 |
| U. S. No. 2..... | 7.00 |
| U. S. No. 3 and lower..... | 6.75 |
| Great Northern beans: | |
| U. S. choice hand picked..... | 5.90 |
| U. S. No. 1..... | 5.80 |
| U. S. No. 2..... | 5.65 |
| U. S. No. 3 and lower..... | 5.40 |
| Small white beans (including flat small white): | |
| U. S. choice hand picked..... | 5.90 |
| U. S. No. 1..... | 5.80 |
| U. S. No. 2..... | 5.65 |
| U. S. No. 3 and lower..... | 5.40 |
| White kidney beans: | |
| U. S. choice hand picked..... | 7.95 |
| U. S. No. 1..... | 7.85 |
| U. S. No. 2..... | 7.70 |
| U. S. No. 3 and lower..... | 7.45 |
| Red kidney beans: | |
| U. S. choice hand picked..... | 6.40 |
| U. S. No. 1..... | 6.30 |
| U. S. No. 2..... | 6.15 |
| U. S. No. 3 and lower..... | 5.90 |
| Yellow eye beans: | |
| U. S. choice hand picked..... | 7.25 |
| U. S. No. 1..... | 7.15 |
| U. S. No. 2..... | 7.00 |
| U. S. No. 3 and lower..... | 6.75 |
| Cranberry beans (other than western): | |
| U. S. choice hand picked..... | 6.00 |
| U. S. No. 1..... | 5.90 |
| U. S. No. 2..... | 5.75 |
| U. S. No. 3 and lower..... | 5.50 |
| Cranberry beans (western): | |
| U. S. choice hand picked..... | 6.45 |
| U. S. No. 1..... | 6.35 |
| U. S. No. 2..... | 6.20 |
| U. S. No. 3 and lower..... | 5.95 |
| Small red beans: | |
| U. S. choice hand picked..... | 5.90 |
| U. S. No. 1..... | 5.80 |
| U. S. No. 2..... | 5.65 |
| U. S. No. 3 and lower..... | 5.40 |
| Pink beans: | |
| U. S. choice hand picked..... | 6.10 |
| U. S. No. 1..... | 6.00 |
| U. S. No. 2..... | 5.85 |
| U. S. No. 3 and lower..... | 5.60 |

No. 237—10

| Dry edible beans | Maximum price per cwt. |
|-------------------------------|------------------------|
| Kind of dry edible beans—Con. | |
| Bayo beans: | |
| U. S. choice hand picked..... | \$5.70 |
| U. S. No. 1..... | 5.60 |
| U. S. No. 2..... | 5.45 |
| U. S. No. 3 and lower..... | 5.20 |
| Blackeye beans: | |
| U. S. choice hand picked..... | 6.05 |
| U. S. No. 1..... | 5.95 |
| U. S. No. 2..... | 5.80 |
| U. S. No. 3 and lower..... | 5.55 |
| Pinto beans: | |
| U. S. No. 1..... | 5.90 |
| U. S. No. 2..... | 5.75 |
| U. S. No. 3 and lower..... | 5.50 |
| Lima beans (standard): | |
| U. S. extra No. 1..... | 8.10 |
| U. S. No. 1..... | 8.00 |
| U. S. No. 2 and lower..... | 7.85 |
| Baby lima beans: | |
| U. S. extra No. 1..... | 6.80 |
| U. S. No. 1..... | 6.70 |
| U. S. No. 2 and lower..... | 6.55 |

¹ Cow peas of the blackeye variety.

(b) *Other dry edible beans.* (1) The country shipper's maximum price to any class of purchasers for any kind and variety of dry edible beans not covered by paragraph (a) shall be the highest price he charged for that item to a purchaser of the same class during the period September 1, 1943, and September 7, 1943, inclusive.

(2) Where a country shipper did not deliver or offer to deliver the item during that period to a purchaser of the same class, his maximum price for the item shall be the highest price charged for the same item during that period by the most closely competitive seller to a purchaser of the same class.

(3) The beans covered by this paragraph (b) include, among other varieties, Fava beans, Garbanzos (called chick peas), and dry edible soy beans.

SEC. 4. *Maximum prices for all other sales—(a) Explanation.* The term "base price" used in this section means the sum of the maximum f. o. b. country shipping point price for the item, plus the cost of transportation allowable under section 5, plus any packaging allowance under section 6.

For any sale described in paragraph (d) below, the maximum price cannot exceed the base price plus the markup named for the particular sale, regardless of the number of handlers involved, and regardless of whether an assorted car is involved.

(b) *Delivered sales by country shippers of goods located at the country shipping point or in transit at the time of sale.* If a country shipper sells goods located at the country shipping point or in transit at the time of sale on a delivered basis to any point, his maximum price is the base price, regardless of the quantity sold. However, if he delivers in his own truck to a retailer's store paragraph (c) (1) below applies.

(c) *Sales by growers or country shippers in special situations—(1) Sales delivered to retailers' stores or to ultimate consumers.* For sales by country shippers or growers delivered from the farm or country shipping point in their own trucks to retailers' stores where sales to

ultimate consumers are to be made, or to ultimate consumers, the maximum price in each case shall be the base price plus 50 cents per cwt. "Ultimate consumer" means a person who buys for direct consumption, but the term does not include agencies of the United States or commercial, industrial or institutional users, such as canners or other processors, hotels, restaurants, etc.

(2) *Sales to United States or certain other purchasers.* For sales of those varieties of the 1943 crop of dry edible beans designated in Commodity Credit Corporation Instructions of June 30, 1943,² which are made by country shippers (or growers performing the functions of country shippers) to agencies of the United States, to "authorized purchasers" or other agencies designated in Amendment No. 1 to Food Distribution Order No. 45,³ or to other country shippers, the maximum price in each case shall be either (i) the "support price" for the particular item plus the cost of transportation, plus any storage or carrying charge permitted by this regulation, or (ii) the maximum price otherwise established for the item by this regulation, whichever is higher. In cases in which the maximum price is the support price, no further additions to the maximum price shall be made.

In all sales between country shippers, the seller and buyer shall exchange and retain records showing their respective names and addresses; the variety, quality and crop year designation of the beans; the selling prices and the respective country shipper registration numbers issued by the Food Rationing Division of the Office of Price Administration.

(d) *Sales by any person of goods located at points other than the country shipping point at the time of sale.* (1) For sales of unbroken carlots or trucklots located at points other than the country shipping point at the time of sale, the maximum price in each case is the base price plus 8 cents per cwt.

Exception: For such sales by country shippers or growers, the maximum price in each case is the base price only.

(2) For sales "ex-warehouse" in any quantities, the maximum price in each case is the base price plus 25 cents per cwt., or plus 33 cents per cwt. if the goods being sold were produced in the State of California. Sales "ex-warehouse" means sales from a warehouse (i) which is located in the receiving market, (ii) which is not owned or controlled by any of the sellers' customers and (iii) in which the seller has received shipment and stored the goods.

(3) For all other sales of goods located at points other than the country shipping point at the time of sale, in less than carlot or less than trucklot quantities, the maximum price in each case is the base price plus 15 cents per cwt., or plus 23 cents per cwt. if the goods being sold were produced in the State of California.

SEC. 5. *Cost of transportation.* The cost of transportation which shall be

² 8 F.R. 8098.

³ 8 F.R. 4228, 9106.

added to the F. O. B. country shipping point price in arriving at the "base price" shall be determined as follows:

(a) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other federal or state regulatory body, the cost of transportation which shall be added is the amount actually paid to the carrier in conformity with its lawfully established rates and charges, plus the transportation tax imposed by section 620 of the Revenue Act of 1942, if applicable. Carriers' charges for stopping in transit to complete loading or for partial unloading shall be included, but carriers' charges for transit privileges, such as storage, sorting, mixing or splitting in transit or out-of-line or back-haul charges in connection with such transit, shall not be included.

However, if the goods are assorted in transit, 10 cents per 100 pounds shall be added to the cost of transportation. This single charge includes both the costs of transit suppliers and the charges of the carrier for extending transit privileges. This addition shall not be made on out-bound carloads which contained more than 75 per cent of any one variety of the particular goods. Assorting in transit is limited to operators which comply with the record-keeping and other provisions of L. E. Kipp's I. C. C. No. A-3481 "Transit Rules and Regulations on Dried Beans, Dried Lentils, or Dried Peas, Carloads" or such other tariffs as may be applicable to the transit privileges.

(b) If shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the cost of transportation which shall be added is the amount actually paid to the carrier, but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of the carrier at the time of movement. Charges for accessorial services equivalent to rail services allowable under paragraph (a), above, shall be included if such services are actually performed. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(c) If shipment is by a means of transportation not included in (a) and (b) above (such as an unregulated common carrier or a private carrier), the cost of transportation which shall be added is the amount actually paid for transportation, but not in excess of an amount figured by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination and adding rail charges for the accessorial services allowed under paragraph (a) above, if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, provided that the total charge for shipment of less than 20,000 pounds shall not

exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial charges which are stated in amounts per car, the per-car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per-car charge which the weight of the shipment bears to 20,000 pounds may be made against a shipment of less than 20,000 pounds. The amount of transportation tax imposed by section 620 of the Revenue Act of 1942 may be included, if the shipment is subject to that tax.

Sec. 6. *Packaging allowances.* For listed food commodities packed in the following containers, additional amounts shall be included in base prices as follows:

(a) $1\frac{1}{2}$ cents for every such container with a net weight of less than 2 pounds.

(b) 2 cents for every such container with a net weight of 2 pounds or more but less than 5 pounds.

(c) $\frac{1}{2}$ cent per pound for every such container with a net weight of 5 pounds but less than 25 pounds.

(d) $\frac{1}{4}$ cent per pound for every such container with a net weight of 25 pounds up to and including 50 pounds.

No allowance is permitted for containers of over 50 pounds.

Sec. 7. *Imported dry food commodities.* For sales of dry edible beans or other dry food commodities mentioned in this regulation imported from any country, the maximum price per cwt. at any terminal market or other wholesale receiving point shall be in each case, the highest maximum delivered price for the most closely similar variety and grade of domestic dry food commodity in the particular market or wholesale receiving point where the imported goods are being offered for sale.

Sec. 8. *Miscellaneous provisions affecting prices—(a) Storage.* In the case of sales to any agency of the United States, including those sales mentioned in section 4 (e), charges for storage furnished by the seller may be added in any case where a delay is occasioned by the buyer's failure to furnish adequate shipping instructions within a time reasonably sufficient to permit shipment on the appointed day named in the contract of sale. In such cases, charges may be added by the seller to the maximum prices at the rate of $\frac{1}{8}$ of one cent per cwt. for each day's delay in shipment, beginning with the 31st day after the date of sale or the delivery date or end of the period specified in the contract of sale, whichever is later.

(b) *Position of brokers.* In accordance with existing trade customs, every broker shall be deemed to be the agent of the seller, and not of the buyer. In each case, any amount paid by the buyer to the broker, plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation paid by the broker or the seller. The term "broker" includes a "finder".

(c) *Fractions of cents.* If any maximum price figured under this regulation includes a fraction of a cent, the seller

shall adjust the price to the nearest fractional unit (like 1 cent, $\frac{1}{2}$ cent, $\frac{1}{4}$ cent, etc.) in which he has customarily quoted prices for the item.

(d) *Basing point prices.* Any country shipper may sell the listed commodities on a basing point basis, but if he does, he must sell all the commodities handled by him on that basis, and no such price shall be in excess of the maximum price otherwise established by this regulation.

(e) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action to be taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having the authority to act on such request for change in price, or to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

ARTICLE III—GENERAL PROVISIONS

Sec. 9. *Applicability of certain provisions of the General Maximum Price Regulation.* The following provisions of the General Maximum Price Regulation apply to the listed commodities and sellers covered by this regulation:

(a) Transfers of business or stock in trade (§1499.5).

(b) Federal and State taxes (§1499.7).

(c) Current records (§1499.12).

(d) Sales slips and receipts (§1499.14).

Sec. 10. *Statements to be made on invoices.* In every sale of a listed commodity, the seller shall state on the invoice or other document evidencing the sale, the kind and variety of the listed commodity being sold and its official United States grade, as established by the United States Department of Agriculture. If the state in which the sale is made requires, the appropriate state grade may also be stated. This information may also be set forth on the container, or on a tag or label attached to the container.

Sec. 11. *Notification of change in maximum prices.* This regulation will have the effect of altering some sellers' maximum prices for the listed commodities. Those sellers and all sellers whose maximum prices for any item are altered by this regulation or any amendment must comply with the provisions of this section. In each case when a seller's maximum price for an item has been changed pursuant to this regulation or any amendment he shall give notice of such change with the first shipment or delivery of the item after the change in price becomes effective, in the following manner. He shall:

(a) Supply each wholesaler and retailer who purchases from him with a written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe the item by the appropriate kind, grade, variety brand, quantity, container type and size, etc.) has been changed by the OPA.

We are authorized to inform you that if you are a wholesaler or retailer pricing this item under MPRs 421, 422 and 423, you must refigure your ceiling price for this item on the first delivery of it to you containing this notification on or after (insert here effective date of price change). You must refigure your ceiling price following the rules of section 6 of MPRs 421, 422, or 423 whichever is applicable to you.

For a period of 60 days after the price change becomes effective, and with the first shipment or delivery of the item after that date, to each such purchaser who has not made a purchase of the item within that time, the seller shall include the notice set forth above in each case or carton containing the item or securely attach it to the case or carton or insert it on the invoice accompanying the shipment.

(b) Notify each purchaser who is a distributor other than a wholesaler or retailer of the change in price by a written notice attached to or written on the invoice issued in connection with the first transaction with such purchaser after such price which becomes effective as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (Describe item by kind, brand, grade, variety and container type and size) has been changed from \$ to \$.

Under the provisions of 2nd Rev. MPR 270 you are required to notify all wholesalers and retailers purchasing the item from you after (insert effective date of price change) of any change in your maximum price. This notice must be made in a manner prescribed in section 11 (a) of 2nd Rev. MPR 270.

SEC. 12. Records which sellers must keep. As long as the Emergency Price Control Act of 1942, as amended, remains in effect, every seller covered by this regulation shall keep for examination by the Office of Price Administration, (a) records of the same kind as he has customarily kept relating to prices which he charged after November 27, 1943; (b) those records required to be kept by section 4 (e); (c) record of all sales of "seed stock" as defined in section 2 (a), which shall show in each case the date of sale, the amount, kind and variety sold, the sales price for each item, and the name and address of the purchaser; and (d) a statement (which he must prepare on or before January 27, 1944) showing all of his customary allowances, discounts and other price differentials. This statement shall be available for examination by any person during ordinary business hours. However, any person who claims that he will be substantially injured by showing this statement to another person may file it with the appropriate field office of the Office of Price Administra-

tion. The information will not be divulged to anyone unless withholding it will be contrary to the purposes of the regulation.

SEC. 13. Compliance with this regulation—(a) No selling or buying above maximum prices. On and after November 27, 1943, regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade or business any of the listed items at prices higher than the maximum prices established by this regulation. However, prices lower than the maximum prices may be charged and paid.

(b) Evasion. No person shall evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging; or in any other way.

(c) Enforcement. Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

(d) Licensing. The provisions of Licensing Order No. 1st licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 14. Petitions for amendment. Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1st and amendments.

This regulation shall become effective November 27, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of November 1943.

CHESTER BOWLES,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-19058; Filed, November 27, 1943; 4:11 p. m.]

PART 1367—FERTILIZERS

[MPR 240, Amdt. 3]

PHOSPHATE ROCK

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

78 F.R. 13244.

*7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

Maximum Price Regulation No. 240 is amended in the following respects:

Section 1367.114 is amended to read as follows:

§ 1367.114 Appendix B: Maximum prices for Tennessee brown phosphate rock. The miner may charge any person for Tennessee Brown Phosphate Rock upon the terms and conditions, and for the grades and descriptions, the prices, all as set forth in the following schedule:

A. Unground phosphate rock:
Size—Run of mine in carload lots—washed, dried and unground.

Price—Basis gross ton (2240 pounds) f. o. b. cars at mines.

Quality—Bone phosphate of lime (B. P. L.) on a dry basis, combined oxide of iron and alumina (I. & A. determined separately on a dry basis) adjusted basis 2 units B. P. L. for 1 unit I and A, and not more than 3% moisture.

Grades—68/66% B. P. L. 6% I. & A. \$4.50 basis 68% B. P. L., 12½¢ per unit rise to 70% maximum and 15¢ per unit fall to 66% minimum, fractions in proportion; I. & A. basis 6% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.

70/68% B. P. L. 5½% I. & A. \$5.00 basis 70% B. P. L., 15¢ per unit rise to 72% maximum and 20¢ per unit fall to 68% minimum, fractions in proportion; I. & A. basis 5½% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.

72/70% B. P. L. 5½% I. & A. \$5.50 basis 72% B. P. L., 20¢ per unit rise to 75% maximum and 25¢ per unit fall to 70% minimum, fractions in proportion; I. & A. basis 5½% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.

Lump rock—Add 50¢ per gross ton for screened lump rock of not more than 8% moisture, and with no adjustment for I. & A. Wet rock—Deduct 50¢ per gross ton for wet rock not dried.

Calcining—Add \$1.00 per gross ton for calcining basis 1500° Fahrenheit plus 5¢ per gross ton for each even 100° Fahrenheit above 1500° or less 5¢ per gross ton for each 100° below 1500° guaranteed.

Grinding—Add 50¢ per gross ton for grinding 48 to 52% minus 200 mesh. Add 70¢ per gross ton for grinding 58 to 62% minus 200 mesh.

Car door boards—Add \$2.00 per car for boarding up car doors.

Lining cars—Add 75¢ per car for paper lining doors. Add \$1.75 per car for paper lining car.

B. Finely ground phosphate rock:
Price—Basis net ton (2,000 pounds) f. o. b. cars at mines in car load lots in bulk.

Quality—Phosphorous pentoxide (P₂O₅) on a dry basis minimum grade guaranteed and not more than 3% moisture, no adjustment for excess grade or I. & A.

Ground 90 to 95% minus 200 mesh or 80 to 85% minus 300 mesh.

Grades
29% P₂O₅ \$4.65 per net ton basis 29% P₂O₅ minimum.
30% P₂O₅ \$4.85 per net ton basis 30% P₂O₅ minimum.
31% P₂O₅ \$4.95 per net ton basis 31% P₂O₅ minimum.
32% P₂O₅ \$5.20 per net ton basis 32% P₂O₅ minimum.
33% P₂O₅ \$5.70 per net ton basis 33% P₂O₅ minimum.

No charge for car liners or car door boards. Add 30¢ per net ton for bagging in valve bags which purchaser provides.

Add 30¢ per net ton for truck load shipments in bulk.

Add \$1.50 per net ton for bagging in 100-pound multi-wall paper bags.

Car bulkheads—Add \$2.00 per car for installing wooden bulkheads to separate bagged rock from unbagged rock only at buyer's request.

This amendment shall become effective December 3, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 27th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19059; Filed, November 27, 1943;
4:10 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amdt. 30 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) (10) is added to read as follows:

(10) For the reporting period beginning January 2, 1944 and ending January 29, 1944

----- 5
This amendment shall become effective December 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 27th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19061; Filed, November 27, 1943;
4:11 p. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 210,² Amdt. 14]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 210 is amended in the following respects:

Section 1372.113 is amended by adding a paragraph (c) to read as follows:

(c) *Sales by Defense Supplies Corporation, sales at wholesale and sales at retail of certain men's knitted shirts and drawers.* Maximum prices for sales of men's knitted half wool and half cotton shirts and drawers manufactured

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089, 10728, 11387, 11447, 11483, 11812, 12026, 12181, 12292, 13492.

² 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109; 8 F.R. 973, 6369.

under Quartermaster Corps tentative specifications P. Q. D. numbers 73B and 74B, class A, dated January 25 and January 27, 1943, respectively, and heretofore sold by Quartermaster Corps to Defense Supplies Corporation are established as follows:

(1) Sales by Defense Supplies Corporation: \$1.47 per shirt and \$1.36 for each pair of drawers. Both prices are net and F. O. B. warehouse.

(2) For sales at wholesale: \$1.77 per shirt and \$1.65 for each pair of drawers. Both prices are net and F. O. B. point of shipment.

(3) For sales at retail: \$2.53 per shirt and \$2.36 for each pair of drawers.

(4) Defense Supplies Corporation and all wholesalers shall furnish to persons purchasing these garments from them, the following notice, attached to the invoice accompanying each shipment:

NOTICE

This notice is sent to you as required by Amendment 14 of MPR 210, issued by the Office of Price Administration. This notice advises you as to your ceiling price for the knitted shirts and drawers (half wool and half cotton) which we are delivering to you. These shirts and drawers were made for the United States Army. Because of the shortage of these garments for civilian use, the Army has released these garments at cost for ultimate sale to individual consumers.

If you are a wholesaler you must attach a copy of this notice to the invoice to accompany each shipment which you make to a retailer. Your ceiling price as fixed by OPA is \$1.77 per shirt and \$1.65 for each pair of drawers. These prices are net, f. o. b. point of shipment.

If you are a retailer, your ceiling price for these garments, as fixed by OPA is \$2.53 per shirt and \$2.36 for each pair of drawers.

This amendment shall become effective November 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of November 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-19060; Filed, November 27, 1943;
4:09 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 465]

USED PRESSURE VESSELS AND USED ENCLOSED ATMOSPHERIC PRESSURE VESSELS

Correction

In F.R. Doc. 43-14994, appearing on page 12625 of the issue for Wednesday, September 15, 1943, in Appendix A—From and not including 6'-0", to and including 7'-0" (diameter), page 12630, the third price in the eighth column under the heading "As is" should read "245".

PART 1345—COKE

[RPS 29, Amdt. 4]

BY-PRODUCT FOUNDRY AND BY-PRODUCT BLAST FURNACE COKE

A statement of the considerations involved in the issuance of this amend-

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 29 is amended in the following respects:

1. Section 1345.9 (a) is amended to read as follows:

(a) *General provisions.* The maximum delivered price for by-product foundry coke shall be the price per net ton f. o. b. cars at the governing oven plant, as set forth below, plus the lowest established rail transportation charges from that oven plant to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

| Location of oven plant | F. o. b. oven plant in cars (per net ton) |
|------------------------|---|
| Alabama | \$9.30 |
| Chicago, Ill. | 12.30 |
| Ashland, Ky. | 10.80 |
| Detroit, Mich. | 12.55 |
| Kearny, N. J. | 12.15 |
| Ironton, Ohio | 10.80 |
| Buffalo, N. Y. | 11.75 |
| Painesville, Ohio | 11.25 |
| Portsmouth, Ohio | 10.80 |
| Erie, Pa. | 11.75 |
| Philadelphia, Pa. | 11.75 |
| Chattanooga, Tenn. | 9.80 |
| Fairmont, W. Va. | 10.00 |
| Milwaukee, Wis. | 13.05 |

2. Section 1345.9 (b) (2) is amended to read as follows:

(2) *Place of delivery within certain switching districts.* Except as set forth in subparagraph (3) of this paragraph, the maximum delivered prices within the following switching districts shall be:

| Switching district: | Delivered price per net ton |
|-------------------------------------|-----------------------------|
| Chicago, Ill. | \$13.05 |
| Birmingham and Tarrant, Ala. | 10.20 (1) |
| St. Louis, Mo. & E. St. Louis, Ill. | 13.05 (11) |
| Indianapolis, Ind. | 12.80 |
| Terre Haute, Ind. | 12.80 |
| Detroit, Mich. | 13.05 |
| Buffalo, N. Y. | 12.50 |
| Cincinnati, Ohio | 12.55 |
| Cleveland, Ohio | 12.30 |
| Erie, Pa. | 12.25 |
| Philadelphia, Pa. | 12.38 |
| St. Paul and Minneapolis, Minn. | 14.80 |

(i) Except that the maximum delivered price to consumers in the Birmingham and Tarrant, Alabama, switching district who qualify under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. O. No. 220-C establishing a furnace raw material freight rate of \$0.60 per ton shall be \$9.90.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of \$13.55 to consumers in St. Louis, Missouri, and E. St. Louis, Illinois, switching district.

3. Section 1345.9 (b) (3) is amended to read as follows:

(3) *Place of delivery within certain switching districts when shipments*

thereto are from Alabama ovens. The maximum delivered prices within the following switching districts for by-product foundry coke shipped from the State of Alabama shall be:

| Switching district: | Delivered price per net ton |
|---------------------|-----------------------------|
| Chicago, Ill. | \$13.65 |
| Detroit, Mich. | 13.25 |
| Indianapolis, Ind. | 13.25 |
| Cleveland, Ohio. | 13.20 |
| Chattanooga, Tenn. | 10.72 |
| Bayonne, N. J. | 17.76 |
| Williamsburg, Ohio. | 12.75 |

4. Section 1345.9 (b) (11) is amended to read as follows:

(11) *Place of delivery within Holt, Alabama, switching district.* When shipment is made from an oven plant located within the Holt, Alabama, switching district to a place of delivery within the same switching district the maximum delivered price shall be \$9.80 per net ton.

5. Section 1345.10 is amended to read as follows:

§ 1345.10 *Appendix B: Maximum prices for by-product blast furnace coke per net ton (2,000 pounds).* (a) Except as provided in paragraph (b) of this section, the maximum price f. o. b. oven plant for by-product blast furnace coke shall be the weighted average price f. o. b. oven plant charged by the seller for such coke delivered during the first quarter of 1941, plus \$0.75 per net ton: *Provided*, That this paragraph (a) shall not apply to sales or shipments made after the issuance of Revised Price Schedule No. 29 from oven plants located in the States of Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin and in that part of Ohio west of a line running north and south through a point immediately west of Cleveland at a price less than \$6.80 per net ton or to sales or shipments made from any other plants at less than \$6.00 per net ton.

(b) The maximum price, f. o. b. oven plant, for by-product blast furnace coke shipped from the following points shall be:

| City | Maximum price |
|--------------------|---------------|
| Birmingham, Ala. | \$6.80 |
| Holt, Ala. | 7.10 |
| Chicago, Ill. | 8.95 |
| Indianapolis, Ind. | 8.30 |
| Ashland, Ky. | 6.80 |
| Detroit, Mich. | 8.15 |
| St. Paul, Minn. | 10.55 |
| St. Louis, Mo. | 8.93 |
| Ironton, Ohio. | 7.80 |
| Hamilton, Ohio. | 7.80 |
| Milwaukee, Wis. | 8.85 |

This amendment shall become effective as of November 1, 1943.

(56 Stat. 23, 765; Pub. Law, 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of November 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-19057; Filed, November 27, 1943; 4:10 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

DESIGNATED BRIDGES IN NORTH CAROLINA

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.241 are hereby extended to include additional bridges in North Carolina, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Scuppernon River, N. C.; North Carolina State Highway and Public Works Commission bridge at Creswell, N. C. (At least twenty-four hours' advance notice required.)

Pungo River, N. C.; North Carolina State Highway and Public Works Commission bridge at Leechville, N. C. (At least twenty-four hours' advance notice required.)

Pungo Creek, N. C.; North Carolina State Highway and Public Works Commission bridge near Ransomville, N. C. (At least twenty-four hours' advance notice required.)

Bath Creek, N. C.; North Carolina State Highway and Public Works Commission bridge at Bath, N. C. (At least twenty-four hours' advance notice required.)

South Creek, N. C.; bridges of North Carolina State Highway and Public Works Commission (highway) at Aurora and Atlantic Coast Line Railroad Company (railroad) at Royal, N. C. (At least twenty-four hours' advance notice required.)

Neuse River, N. C.; North Carolina State Highway and Public Works Commission bridge at Maple Cypress Landing (Fort Barnwell), N. C. (At least twelve hours' advance notice required.)

Neuse River, N. C.; drawbridges above North Carolina State Highway and Public Works Commission bridge at Maple Cypress Landing (Fort Barnwell), N. C. (At least twenty-four hours' advance notice required.)

Brices Creek, N. C.; North Carolina State Highway and Public Works Commission bridge near James City, N. C. (At least twenty-four hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH, as amended by Regs. 18 November 1943, CE 823.01 SPEKH]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-19068; Filed, November 29, 1943; 9:30 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 194]

WASHINGTON

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as an antiaircraft firing range:

WILLAMETTE MERIDIAN

T. 15 N., R. 20 E.,

Sec. 1:

Sec. 2, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 11 to 14, inclusive;

Sec. 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;

Secs. 22 to 28, inclusive, and secs. 33 to 36, inclusive.

T. 16 N., R. 20 E.,

Sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 24, E $\frac{1}{2}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 25, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 35, E $\frac{1}{2}$;

Sec. 36.

T. 15 N., R. 21 E.,

Sec. 1, lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 2 to 11, inclusive;

Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;

Secs. 13 to 36, inclusive.

T. 16 N., R. 21 E.,

Sec. 17, S $\frac{1}{2}$;

Secs. 18, 19, and 20;

Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;

T. 16 N., R. 21 E., (continued),

Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 26, SW $\frac{1}{4}$;

Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;

Secs. 28 to 34, inclusive;

Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;

Sec. 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 15 N., R. 22 E.,

Sec. 18, lots 1 to 4, inclusive, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 19, W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 30, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 31, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$.

The areas described, including both public and non-public lands, aggregate 45,726.51 acres.

This order shall take precedence over but not modify (1) the withdrawal for stock driveway purposes made by the order of March 1, 1919, of the Secretary of the Interior (Stock Driveway No. 71), (2) the withdrawal for public purposes made by the Executive Order of June 5, 1919 (Public Water Reserve No. 64), and (3) the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such orders affect any of the lands in the above-described areas.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 24, 1943.

[F. R. Doc. 43-19069; Filed, November 29, 1943;
9:30 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 165]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CANNED GOODS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of November, A. D. 1943.

It appearing, that the movement of canned or preserved foodstuffs and related articles in refrigerator cars diminishes the use of such cars for the movement of more perishable freight; in the opinion of the Commission an emergency exists requiring immediate action to prevent shortage of refrigerator cars: *It is ordered, That:*

§ 95.324 *Use of refrigerator cars for canned goods.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall transport in a refrigerator car or cars canned or preserved foodstuffs (not cold-pack) and other articles, as described under that caption in the Consolidated Freight Classification No. 14, to, from, or between points in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia and the District of Columbia unless such shipments originate at, move through, or are destined to points in states north of those named herein, without a permit issued by the Agent of the Interstate Commerce Commission named in paragraph (b) of this section. The operation of all tariffs providing for the use of refrigerator cars for the transportation of canned or preserved foodstuffs (not cold-pack) and other articles prohibited by this order is hereby suspended; *Provided*, That this order shall not prohibit the shipment of canned or preserved foodstuffs (not cold-

pack) and other articles as named in this order, in refrigerator cars, authorized under Service Order No. 104, as amended, but shall prohibit, except by permit, the shipment of canned or preserved foodstuffs (not cold-pack) and other articles described above in giant refrigerator cars as provided in Service Order No. 93, or any amendment thereof, in the territory above described.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits to be issued by Robert B. Hoffman, Manager, Refrigerator Car Section Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, as Agent of the Interstate Commerce Commission; and Robert B. Hoffman is hereby appointed as Agent of the Interstate Commerce Commission, and authorized to issue permits for the movement of canned or preserved foodstuffs and related articles in refrigerator cars under exceptional circumstances or when weather conditions require the use of refrigerator cars.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, That this order shall become effective at 12:01 a. m., December 1, 1943; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

By the Commission, division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-19046; Filed, November 27, 1943;
10:54 a. m.]

[Service Order 166]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS, ETC.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of November, A. D. 1943.

It appearing, that fruit and vegetable containers and box shooks are now moving in box cars from Houston, Longview, or Sherman, Texas, to destinations in the Texas-Rio Grande Valley; that refrigerator cars are moving empty from the same points of origin to the same points of destination and that the substitution

of refrigerator cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: *It is ordered, That:*

§ 95.325 *Substitution of refrigerator cars, fruit and vegetable containers and box shooks.* (a) (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers and box shooks in carloads from Houston, Longview, or Sherman, Texas, to destinations in the Texas-Rio Grande Valley, may, at their option, furnish and transport not more than three (3) RS type refrigerator cars with floor racks suitable for loading fruits and vegetables, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car,

(i) Two (2) RS type refrigerator cars with floor racks suitable for loading fruits and vegetables, may be furnished in lieu of one (1) box car ordered of a length of 40' 7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) RS type refrigerator cars with floor racks suitable for loading fruits and vegetables may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Conflicting service orders suspended.* The operation of Service Order No. 68 (8 F.R. 8513) of January 30, 1942, as amended (8 F.R. 8513; 8 F.R. 14224), and all other orders of the Commission insofar as they conflict with the provisions of this order, or as amended, is suspended.

(d) *Tariff provisions suspended.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, That this order shall become effective at 12:01 a. m., November 27, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the

railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

By the Commission, division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-19047; Filed, November 27, 1943;
10:54 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation 8]

ALASKA TRAVEL CONTROL

PERMIT REGULATIONS

NOVEMBER 15, 1943.

Headquarters, Alaskan Department, Office of the Commanding General, APO 942, c/o Postmaster, Seattle, Washington.

To the people of Alaska and the public generally:

Whereas by Public Proclamation No. 1, dated 7 April 1942, Headquarters, Alaska Defense Command, the entire Territory of Alaska was designated and established as a Military Area from which any and all persons may be excluded and with respect to which the rights of any person to enter, remain in, or leave are subject to whatever restrictions may be imposed by the Commanding General of the Alaska Defense Command; and

Whereas the powers and prerogatives vested in the Commanding General of the Alaska Defense Command have been vested in the Commanding General of the Alaskan Department; and

Whereas the Commanding General of the Alaskan Department has been designated by the Secretary of War as a military commander within the purview of Executive Order No. 9066, 19 February 1942, of the President of the United States; and

Whereas the successful prosecution of the war requires the greatest possible protection against sabotage and espionage in said military area, and, insofar as possible, requires every precaution to prevent the unauthorized dissemination of information concerning the military strength, activities and operations of the Alaskan Department; and

Whereas the President of the United States has directed that the Commanding General of the Alaskan Department, as a designated military commander under Executive Order No. 9066, establish restrictions for the control of civilians who enter, remain in, or depart from said Military Area and to take such steps in his discretion as are deemed advisable to enforce compliance with restrictions applicable to said Military Area;

Now therefore, I, Simon B. Buckner, Jr., Lieutenant General, United States Army, by virtue of the authority vested in me by and pursuant to the above designated directive of the President of the United States, and by virtue of my powers and prerogatives as Commanding General of the Alaskan Department, do hereby order and declare:

That effective 1 December 1943, Public Proclamation No. 4, Headquarters Alaska Defense Command, dated 30 June 1942, is hereby modified as hereinafter described;

That for the purpose of this proclamation the said Military Area of the Territory of Alaska is hereby divided into three zones:

Zone A. All of the Territory of Alaska except those parts thereof included in Zones B and C, hereinafter described;

Zone B. All that part of the Territory of Alaska lying South of 58° North latitude, and between 156° and 176° West longitude;

Zone C. All that part of the Territory of Alaska lying west of 176° West longitude;

That all civilians now or hereafter lawfully within Zone A, above described, may remain and travel within said Zone A, without obtaining or having a permit so to do. However, all civilians who enter or depart from said Zone A, will be required to obtain a permit for entrance to or departure from said Zone A, issued by the Commanding General of the Alaskan Department upon application duly made in writing and sworn to by the applicant upon forms provided and/or on such terms and conditions as the said Commanding General deems appropriate;

That all civilians are hereby excluded and prohibited from entering or remaining in or departing from Zone B, above described, except the following persons:

Class I. Civilians who were lawful residents in said Zone B on the 1st day of November, 1943, are permitted to remain in said Zone B. For the purpose of this proclamation the term "lawful residents" shall be interpreted *Prima Facie* to include those persons who maintained and occupied homes or living quarters in said Zone B on said date, whether or not they were physically present therein on said date.

Although the civilians described in Class I, above, are excepted from the necessity of having a permit to remain in Zone B, they will nevertheless be required to obtain a permit to travel therein (except in the immediate vicinity of their homes or their business enterprises) or to depart therefrom or re-enter therein, issued by the Commanding General of the Alaskan Department upon application duly made in writing and sworn to by them upon forms provided and on such terms and conditions as he deems appropriate;

Class II. Civilians who are permitted to enter, remain in, or depart from said Zone B by the Commanding General of the Alaskan Department in the exercise of his discretion and who have a duly authenticated permit issued by him as evidence thereof.

Such permits as to Zone B will be issued only to:

(a) Such civilians who are considered essential to the operation of military activities;

(b) Such civilians who are considered essential to the welfare of the civilian population therein;

(c) Civilians and their agents and employees who had business interests in said Zone B on the 1st day of November, 1943,

and whose presence therein is essential to the operation of said business or the protection of property located in said Zone B; or

(d) Such persons whose presence in said Zone B is considered essential to the war effort as a whole;

That all civilians are hereby excluded from and prohibited from entering or remaining in Zone C, above described, except such persons who have a duly authenticated permit therefor, issued by the Commanding General of the Alaskan Department.

Such permits as to Zone C will be issued only to:

(a) Such civilians who are considered essential to the operation of military activities;

(b) Civilians considered essential to the war effort as a whole; or

(c) Civilians and their agents and employees who had business interests in said Zone C on the 1st day of November, 1943, and whose presence therein is essential to the operation of said business or the protection of property located in said Zone C;

That permits to enter, remain in, or depart from the Military Area of the Territory of Alaska or the Zones hereinbefore described will be granted and issued by the Commanding General of the Alaskan Department in his discretion and only to those civilians who have established to the satisfaction of said Commanding General that they are persons of such loyalty, discretion, and character as the military situation within said Military Area or Zones is considered to require without prejudice to the safety and security of the Military personnel, property and activities of the United States;

That the Commanding General reserves the right to cancel any permit to enter, remain in, or depart from any Zone hereinbefore specified without notice and in his discretion for such reasons as he considers to be for the best interests and security of military personnel, property and activities of the United States, to remove any person from said Military Area or any of the Zones above described.

Any person affected by this proclamation who fails to comply with any of its provisions or with the provisions of published regulations and instructions pertaining thereto will be subject to penalties of Public Law No. 503, 77th Congress, approved 21 March 1942, entitled "An Act to provide a penalty for violations of restrictions or orders with respect to persons, entering, remaining in, leaving or committing any act in military areas or zones," and upon conviction such person will be liable to a fine of not to exceed \$5,000.00 or to imprisonment for not more than one year or both. In the case of any enemy alien such person will in addition be subject to immediate apprehension and internment;

Attention is also directed to the Act of 15 June 1917, 40 Stat. 228, 18 U.S.C. 132, which provides criminal penalties of a fine of \$2,000.00 or imprisonment for not more than five years, or both for anyone who shall falsely make, forge, counterfeit, alter, or tamper with any naval, military or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent, shall use or have in his possession any such pass or permit, or shall person-

ate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or to use any such pass or permit.

S. B. BUCKNER, Jr.,
Lieutenant General, U. S. Army,
Commanding.

ADMINISTRATIVE INSTRUCTIONS

1. Alaska travel permits can be obtained at the following places:

Seattle, Wash., U. S. A.
Vancouver, British Columbia, Canada.
Prince Rupert, British Columbia, Canada.
Edmonton, Alberta, Canada.
Whitehorse, Yukon Territory, Canada.
Ketchikan, Alaska, Zone A.
Wrangell, Alaska, Zone A.
Petersburg, Alaska, Zone A.
Sitka, Alaska, Zone A.
Juneau, Alaska, Zone A.
Haines, Alaska, Zone A.
Skagway, Alaska, Zone A.
Excursion Inlet, Alaska, Zone A.
Yakutat, Alaska, Zone A.
Cordova, Alaska, Zone A.
Valdez, Alaska, Zone A.
Fairbanks, Alaska, Zone A.
Anchorage, Alaska, Zone A.
Whittier, Alaska, Zone A.
Seward, Alaska, Zone A.
Seldovia, Alaska, Zone A.
Kodiak, Alaska, Zone A.
Naknek, Alaska, Zone A.
Port Heiden, Alaska, Zone B.
Cold Bay, Alaska, Zone B.
Unalaska, Alaska, Zone B.
Umnak, Alaska, Zone B.
Atka, Alaska, Zone B.
Adak, Alaska, Zone C.
Amchitka, Alaska, Zone C.
Kiska, Alaska, Zone C.
Attu, Alaska, Zone C.
Shemya, Alaska, Zone C.

2. Application for permit to enter, or depart restricted Zones B and C should be made at least five days in advance of the expected date of travel.

3. Types of entrance permit:

a. White entrance permit, AD Form No. 2, will be valid for entry into Zone A. The retained copy of this form will likewise be considered valid for travel within said Zone or for departure therefrom to the United States or Canada. Said permit will not be valid for entrance, travel within, or departure from Zones B or C.

b. Yellow entrance permit, AD Form No. 3, will be valid for entry into Zone B. The retained copy will be used for identification purposes, for travel within said Zone, and (upon approval by the Commanding General, Alaskan Department) for departure therefrom to Zone A, the United States or Canada. Said permit will not be valid for entrance, travel within, or departure from Zone C.

c. Red entrance permit, AD Form No. 4, will be valid for entry into Zone C. Retained copy will be used for identification purposes, for travel within said Zone, and (upon approval by the Commanding General, Alaskan Department) for departure therefrom to Zone A, the United States or Canada. Red entrance permit will not authorize travel in Zone B except when passage through said Zone is required while en route to or from Zone C.

d. Green entrance permit, AD Form No. 5, will be held valid for entry into, travel within, and departure from any part of Alaska.

e. The original or retained copies of all the above entrance permits will be valid for entrance into, travel within and departure from Zone A of Alaska.

[F. R. Doc. 43-19076; Filed, November 29, 1943; 9:35 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

MANCOS PROJECT, COLO.

FIRST FORM WITHDRAWAL

JULY 24 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 10, Act of October 14, 1940 (54 Stat. 1119), and that departmental order of April 8, 1935, establishing Colorado Grazing District No. 4, be modified and made subject to the withdrawal effected by this order.

MANCOS PROJECT, COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 13 W.,
Sec. 19, Lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 35 N., R. 14 W.,
Sec. 6, Lot 4.
T. 36 N., R. 14 W.,
Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 35 N., R. 15 W.,
Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$.

Respectfully,

H. L. BASHORE,
Acting Commissioner.

I concur: October 20, 1943.

ARCHIE D. RYAN,
Acting Director of the
Grazing Service.

I concur: October 26, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 2, 1943.

[F. R. Doc. 43-19055; Filed, November 27, 1943; 3:13 p. m.]

MANCOS PROJECT, COLO.

REVOCATION OF FIRST FORM WITHDRAWAL

JULY 24, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Mancos project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 10 of the Act of October 14, 1940 (54 Stat. 1119) by departmental order of November 10, 1941, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the land hereinafter listed be revoked: *Provided*, That such revocation shall not affect the withdrawal of any lands by said order or affect any other order withdrawing or reserving the land hereinafter listed.

MANCOS PROJECT, COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 35 N., R. 14 W.,
Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: October 26, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 2, 1943.

[F. R. Doc. 43-19055; Filed, November 27, 1943; 3:13 p. m.]

ROGUE RIVER PROJECT

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 8, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Rogue River project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388), by departmental orders of January 28 and March 17, 1916, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

ROGUE RIVER PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 38 S., R. 3 E.,
Sec. 24;
Sec. 25, E $\frac{1}{2}$;
Sec. 36, NE $\frac{1}{4}$.
T. 39 S., R. 3 E.,
Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 10, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 38 S., R. 4 E.,
Sec. 19, SW $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$;
Sec. 31;
Sec. 32, W $\frac{1}{2}$, SE $\frac{1}{4}$.

T. 39 S., R. 4 E.,
Sec. 5, W $\frac{1}{2}$;
Sec. 6, E $\frac{1}{2}$, SW $\frac{1}{4}$.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: November 16, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 19, 1943.

[F. R. Doc. 43-19056; Filed, November 27, 1943;
3:13 p. m.]

BISMARCK PROJECT

REVOCATION OF FIRST FORM WITHDRAWAL NOVEMBER 3, 1943

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Bismarck project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental orders of January 20, 1905 and April 16, 1907, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

BISMARCK PROJECT

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 138 N., R. 79 W.,
Secs. 6, 7, 18, 19, 30 and 31.
T. 139 N., R. 79 W.,
Sec. 31.
T. 139 N., R. 80 W.,
Secs. 25 and 26;
Secs. 31 to 36, inclusive.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: November 12, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 16, 1943.

[F. R. Doc. 43-19053; Filed, November 27, 1943;
3:13 p. m.]

No. 237—11

OWYHEE PROJECT, WILLAMETTE MERIDIAN, OREG.-IDAHO

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 2, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Owyhee Project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by Departmental order of March 28, 1925, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked: *Provided*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

OWYHEE PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 18 S., R. 45 E.,
Sec. 1, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$.
T. 22 S., R. 45 E.,
Secs. 1, 5, 6, 11 and 12.
T. 17 S., R. 46 E.,
Sec. 1;
Sec. 11, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 23, NW $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$;
Sec. 27, NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 18 S., R. 46 E.,
Sec. 3, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5.
T. 19 S., R. 46 E.,
Sec. 10, E $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 31.
T. 20 S., R. 46 E.,
Sec. 5, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 21 S., R. 46 E.,
Secs. 29, 30 and 31.
T. 16 S., R. 47 E.,
Sec. 6, SW $\frac{1}{4}$;
Sec. 7, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, S $\frac{1}{2}$;
Sec. 19;
Sec. 29, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 30 and 31.

BOISE MERIDIAN, IDAHO

T. 2 N., R. 4 W.,
Sec. 16, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 2 N., R. 5 W.,
Secs. 7 and 17;
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: November 19, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of

the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 22, 1943.

[F. R. Doc. 43-19070; Filed, November 29, 1943;
9:30 a. m.]

Coal Mines Administration.

[Order CMA-2]

BLOUNT AND VESSELS COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

NOVEMBER 25, 1943.

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of the mining companies listed in Appendix A. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F. R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F. R. 14877) may be concluded in an orderly manner: *And provided further*, That except as otherwise ordered, the appointments of the operating managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

1. Blount & Vessels Coal Company, 330 Hay Place, Coshocton, Ohio.
2. Bugos-White Coal Company, Alpha, Ill.
3. Byesville Coal Company, Byesville, Ohio.
4. Callahan Mining Company, Salem, Ohio.

5. Clarion Coal Supply Company, Box 465, Clarion, Pa.
6. Copperhead Coal Company, 3225 W. Tuscarawas Street, Canton, Ohio.
7. Crain Coal Company, Percy, Ill.
8. Cumberland Mountain Coal Company, McMinnville, Tenn.
9. D & D Coal Company, 142 W. Hickory Street, Canton, Ill.
10. Dunreath Coal Company, Knoxville, Iowa.
11. Durham Coals, Inc., 1301 Market St., Chattanooga, Tenn.
12. Elm Grove Coal Company, R. F. D. #1, Cutler, Ill.
13. Farmington Coal Company, Elmwood Rd., Farmington, Ill.
14. Green Coal Company, 1124 Walnut Street, Coshocton, Ohio.
15. Green Ridge Fuel Company, Ottumwa, Iowa.
16. Greenview Mining Company, Greenview, Ill.
17. Hackathorn & Myers Coal Company, Bergholz, Ohio.
18. Hallidayboro Coal Company, Elkhaville, Ill.
19. Hart Coal Company, 181 E. Main Street, Salineville, Ohio.
20. Hook Coal Company, 366 S. 9th Street, Coshocton, Ohio.
21. Illinois Colliery Company, Farmington, Ill.
22. Jennings Coal Company, H. R., 819 Denman Avenue, Coshocton, Ohio.
23. Johnson Valley Coal Company, Middletown, Ill.
24. Kray Coal Company, Crellin, Md.
25. L & S Coal Company, London Mills, Ill.
26. Lanark Coals, Inc. (As to Lanark #2 Mine, Mine Index No. 303), Mount Hope, W. Va.
27. Little Coal Company, 313 N. Main Street, Farmington, Ill.
28. Long View Coal Company, Coal Valley, Ill.
29. Magnolia Mining Company, Cleveland Avenue, NW., Canton, Ohio.
30. Marshall Mining Company, The, 1283 Poland Ave., Youngstown, Ohio.
31. Morgan Coal Company, (As to Morgan Mine, Corsica, Pa. and King Cole Mine, Kingman, Ind.) 19 West 38th Street, Indianapolis, Ind.
32. New River Company, The, (As to Harvey Mine, Mine Index 77) Mount Hope, W. Va.
33. Ohio Edison Company, 47 N. Main Street, Akron, Ohio.
34. Pine Hollow Coal Company, Columbian, Ohio.
35. Putt Creek Coal Company, R. F. D. #2, Cuba, Ill.
36. Rail & Lake Coal Company, (C. C. Fay), Cleveland, Ohio.
37. Republic Coal Company, Minerva, Ohio.
38. Reittler Coal Company, New Concord, Ohio.
39. Rose, G. W., Virginia City, Va.
40. Rupert Coal Company, New Waterford, Ohio.
41. Rush Run Coal Company, Box 187, Bridgeport, Ohio.
42. Sangamon Valley Coal Company, 1155 N. Rutledge St., Springfield, Ill.
43. Sherrick Bros. Coal Company, Zanesville, Ohio.
44. Sicker Coal Mining Company, Coshocton, Ohio.
45. Small & Mansfield, Rt. #3, Dayton, Tenn.
46. Springfield Salisbury Coal Company Pleasant Plains, Ill.
47. Standard Coal Company, Vincennes, Ind.
48. E. V. Steell, Crenshaw, Pa.
49. Stevenson Bros. R. F. D. #1, Ellisville, Ill.

50. Sun Coal Company, Coshocton, Ohio.
51. Tennessee Valley Coal Company, (R. D. Campbell), Stevenson, Ala.
52. Thomas Fork Coal Company, Pomeroy, Ohio.
53. Waco Collieries, Inc., Hopedale, Ohio.
54. Weikart Coal Company, Washingtonville, Ohio.

[F. R. Doc. 43-19037; Filed, November 27, 1943; 9:11 a. m.]

[Order CMA-3]

ABRAM CREEK COAL CO., ET AL.

ORDERING TERMINATING GOVERNMENT POSSESSION

NOVEMBER 25, 1943.

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of the mining companies listed in Appendix A. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner: *And provided further,* That except as otherwise ordered, the appointments of the operating managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

1. Abram Creek Coal Company, Thomas, W. Va.
2. American Fuel Company, 1220 South Main Street, Salt Lake City, Utah.
3. Angus Coal Mining Company, Oskaloosa, Iowa.

4. Atlas Coal Company, Inc., The, 124 South First Street, Oskaloosa, Iowa.
5. Bicknell Coal Company, Bicknell, Ind.
6. Blacksmith Coal Company, Novinger, Mo.
7. Blakely Coal Company, R. F. D. #4, Canton, Ill.
8. Bowman Coal Company, G. G., Salisbury, Pa.
9. Bradford Coal Company, Bigler, Pa.
10. Buckheart Creek Coal Company, 912 Central Nat'l Bank Bldg., Peoria, Ill.
11. Carbon Hill Coal Company, 400 South Street, Pella, Iowa.
12. Charlton River Coal Company, Novinger, Mo.
13. Clarinda Coal Company, New Market, Iowa.
14. Consumers Coal Company, P. O. Box 3235, Whittier Sta., Tulsa, Okla.
15. Copenhaver, S. A., R. D. #1, Summer-ville, Pa.
16. Cornell Coal Company, Bronaugh, Mo.
17. Corrigan Coal Company, Novinger, Mo.
18. Day and Night Coal Company, Clarks-ville, Ark.
19. Deer Creek Coal Company, Huntington, Utah.
20. Desmond Bros., 2137 Delaware Ave., Renovo, Pa.
21. Diamond Block Coal Company, 400 South St., Pella, Iowa.
22. Diamond Coal Company, The, Arcadia, Kans.
23. Dry Run Coal Company, Kingston Mines, Ill.
24. East Madrid Cooperative Coal Company, Inc., Madrid, Iowa.
25. Elba Coal Company, Corsica, Pa.
26. Ellis Coal Company, Bronaugh, Mo.
27. English Creek Coal Company, 420 Dayton Street, Knoxville, Iowa.
28. Farmers Coal Mining Company, 2112 Main St., Higginsville, Mo.
29. Garland Coal & Mining Company, Stig-ler, Okla.
30. Gem City Coal Company, Inc., Pineville, Ky.
31. Grasso Coal Mining Company, 511 Main St., Brockway, Pa.
32. Hersker, John, 7006 Hazel Ave., Bywood, Upper Darby, Pa.
33. Hill Mining Company, Moberly, Mo.
34. Hughes Coal Company, Fayette, Mo.
35. Iseman Bros., R. F. D. #1, Ford City, Pa.
36. J. & W. Coal Company, Appelton City, Mo.
37. Jelico & Hotmer Coal Company, Well-ington, Mo.
38. Karthouse Coal Company, Snow Shoe, Pa.
39. Knizeley Coal Company, R. D. #2, Brookville, Pa.
40. Lansberry & Son, Abbie E., Woodland, Pa.
41. Leavell Coal Company, 308 Beacon Bldg., Tulsa, Okla.
42. Lightbody Coal Company, Glasford, Ill.
43. Litter Coal Company, Pella, Iowa.
44. Lost Hill Coal Company, Dora, Pa.
45. Lovell Coal Company, 1221 Concannon St., Moberly, Mo.
46. McNabb Coal Company, R. F. D. #1, Catoosa, Okla.
47. Marriott Reed Coal Company, Colum-bia, Mo.
48. Monroe Block Coal Company, 400 South St., Pella, Iowa.
49. Mt. Storm Coal Corporation, Mount Storm, W. Va.
50. Mutual Coal Company, Excelsior, Pa.
51. National Coal Company, Inc., Oska-loosa, Iowa.
52. New Market Coal Co., The, New Market, Iowa.
53. Newton Coal Company, 400 South St., Pella, Iowa.
54. Northside Mining Company, Bicknell, Ind.

56. P. & G. Coal Company, 511 Main St., Brockway, Pa.
57. Patik Coal Company, 511 1st Ave. East, Oskaloosa, Iowa.
58. Producers Coal Company, Knoxville, Iowa.
59. Ramsay Collins Fuel Company, 1650 University Ave., Des Moines, Iowa.
60. Richard, Walter, Saint David, Ill.
61. River Smokeless Coal Company, 1460 Union Commerce Bldg., Cleveland, Ohio.
62. Rogers County Coal Company, Tulsa, Okla.
63. Rose Hill Company, Novinger, Mo.
64. Ruddell Coal Company, Inc., 408 S. Third, Clinton, Mo.
65. Salisbury Construction Company, Meyersdale, Pa.
66. Schaffer, Mr. Leo, R. F. D. #2, Brookfield, Mo.
67. Schaefer, Mr. Raymond, 111 W. Brooks, Brookfield, Mo.
68. Schuyler Coal Company, Rushville, Ill.
69. Scott Coal Company, Guthrie Center, Iowa.
70. Simonas Brothers, 604 South Meridian Street, Washington, Ind.
71. Spangler and Parks Coal Company, Inc., Windsor, Mo.
72. Stanley Coal Company, Crellin, Md.
73. Stony River Coal Company, Thomas, W. Va.
74. Sunray Coal Company, 522 S. 2d Street, Albia, Iowa.
75. Sunshine Mining Company, Bicknell, Ind.
76. Utah Blue Diamond Coal Company, 216 Boston Building, Salt Lake City, Utah.
77. Vancuenebrock Coal Company, 402 Kent Street, Knoxville, Iowa.
78. Vitacol Coal & Mining Company, Wilburton, Okla.
79. Wagoner County Coal Company, The, Porter, Okla.
80. Weaver & Schettler, Shippensburg, Pa.
81. Wolf-O-Lack Coal Company, Clarion, Pa.
82. Woodall, John, Summerville, Pa.
83. Woolridge Coal Company, Clearfield, Pa.
84. Taylor Bros., Hawthorn, Pa.

NOTE: Total number of companies in this order is 83.

[F. R. Doc. 43-19038; Filed, November 27, 1943; 9:11 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

ESCAMBIA COUNTY, FLA.

CANCELATION OF LOCALITY DESIGNATIONS FOR LOANS

Canceling the designation of localities for the making of loans pursuant to Title I of the Bankhead-Jones Farm Tenant Act in the County of Escambia, State of Florida, (a) In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, the locality designation appearing below, approved by the Administrator of the Farm Security Administration on May 20, 1943, is hereby canceled:

REGION V

ESCAMBIA COUNTY, FLORIDA

Locality I—Consisting of precincts 5, 8, 11, 19, 21, 25, 43, 47, and 53, \$4,821.

Locality II—Consisting of precincts 7, 9, 10, 16, 18, 20, 22, 23, 33, and 45, \$2,308.

Locality III—Consisting of precincts 1, 2, 3, 4, 6, 17, 24, 35, 36, 37, 44, 48, and 52, \$3,141.

(b) Hereafter, loans under Title I of the Bankhead-Jones Farm Tenant Act shall not be made in said county for the purchase of farms of greater value than the average farm unit of thirty acres and more in said county, determined in accordance with the statistics of the farm census of 1940.

Approved November 26, 1943.

FRANK HANCOCK,
Administrator,

Farm Security Administration.

[F. R. Doc. 43-19064; Filed, November 27, 1943; 4:21 p. m.]

ROGER MILLS COUNTY, OKLA.

DESIGNATIONS OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made. (a) In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VIII

ROGER MILLS COUNTY, OKLAHOMA

Locality I—Consisting of Bar X Township, \$5,163.

Locality II—Consisting of Berlin Township, \$4,633.

Locality III—Consisting of Bowman Township and Reydon Town, \$3,378.

Locality IV—Consisting of Cheyenne Town, Cheyenne Township, and Strong City Town, \$7,225.

Locality V—Consisting of Dewey Township, \$3,969.

Locality VI—Consisting of Hammon Town and Kiowa Township, \$5,068.

Locality VII—Consisting of Meridian Township, \$4,489.

Locality VIII—Consisting of Streeter Township, \$4,611.

Locality IX—Consisting of Washita Township, \$4,581.

Locality X—Consisting of Wilcox Township, \$6,302.

(b) The purchase price limit previously established for the county above-mentioned is hereby cancelled.

(c) This order shall be effective as of July 15, 1942.

Approved November 26, 1943.

FRANK HANCOCK,
Administrator,

Farm Security Administration.

[F. R. Doc. 43-19065; Filed, November 27, 1943; 4:21 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

INDEPENDENT TELEPHONE INDUSTRY

EMPLOYMENT OF LEARNERS AT SUBMINIMUM WAGES

In the matter of the amendment of the Regulations Applicable to the Employment of Learners at Subminimum Wage Rates in the Independent Telephone Industry. Change in designation of presiding officer.

By virtue of and pursuant to the authority contained in section 14 of the Fair Labor Standards Act of 1938 and Part 522, as amended, of the regulations issued thereunder, I hereby authorize Isabel Ferguson to act as Presiding Officer in the place of Merle D. Vincent to receive evidence and hear argument on the question of what, if any, amendments should be made to the Regulations Applicable to the Employment of Learners in the Independent Telephone Industry.

Said hearing will be held on December 1, 1943, as previously announced in the notice of hearing.

Signed at Washington, D. C., this 26th day of November 1943.

WILLIAM R. McCOMB,
Acting Administrator.

[F. R. Doc. 43-19045; Filed, November 27, 1943; 10:50 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591), as amended by Administrative Order March 13, 1943, (8 F.R. 3079) Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943, (8 F.R. 3079), and Administrative Order June 7, 1943, (8 F.R. 7690)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940, (5 F.R. 4203) Glove Findings and Determination of February 20, 1940, as amended by Administrative Order, September 20, 1940, (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943, (8 F.R. 3079)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (9 F.R. 3079)

Independent Telephone Learner Regulations, September 27, 1940, (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982), as amended by Administrative Order, March 13, 1943, (9 F.R. 3079)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446) as amended by Administrative Order, March 13, 1943 (8 F.R. 3079)

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753)

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Big Jack Manufacturing Company, Inc., Fourth Street, Bristol, Tennessee; overalls, trousers, coats, dungarees; 15 percent (AT); effective November 27, 1943, expiring May 26, 1944.

Big Jack Manufacturing Company, Inc., Lee Street Plant, Bristol, Virginia; work shirts and overalls; 15 percent (AT); effective November 27, 1943, expiring May 26, 1944.

Co-Ed Frocks, Inc., Whitehall, Illinois; women's outer apparel; 35 learners (AT); effective November 26, 1943, expiring May 25, 1944.

Knothe Brothers Company, Inc., 3605 Hickory Avenue, Baltimore, Maryland; men's pajamas; 10 percent (T); effective November 24, 1943, expiring November 23, 1944.

Monroe Manufacturing Company, Monroe, Georgia; army trousers, civilian cotton overalls and shirts; 15 percent (AT); effective November 27, 1943, expiring May 26, 1944. (This certificate replaces the certificate previously issued, effective August 6, 1943 and expiring February 6, 1944.)

Mount Holly Dress Company, Inc., Murrell and Paxson Streets, Mount Holly, New Jersey; children's cotton dresses; 3 learners (T); effective November 23, 1943, expiring November 22, 1944.

Quentin Garment Company, Quentin, Pennsylvania; ladies' cotton nightgowns; 5 learners (T); effective November 26, 1943; expiring November 25, 1944.

The Roswell Company, Roswell, Georgia; trousers; 15 learners (AT); effective November 25, 1943, expiring May 24, 1944.

United Cotton Goods Company, Inc., Griffin, Georgia; washable uniforms and government trousers; 10 learners (T); effective November 27, 1943, expiring November 26, 1944.

Waterbury Garment Corporation, 1000 N. Division Street, Peekskill, New York; ladies' pajamas and gowns, O. D., cotton shorts and drawers; 10 percent (T); effective November 24, 1943, expiring November 23, 1944.

GLOVE INDUSTRY

Good Luck Glove Company, 1704 Market Street, Metropolis, Illinois; work gloves; 15 percent (AT); effective November 24, 1943, expiring May 23, 1944.

Northern Glove & Mitten Company, 1514 Morrow Street, Green Bay, Wisconsin; work gloves; 5 learners (T); effective November 26, 1943, expiring November 25, 1944.

Sternwild Knitting Mills, Inc., 257 South Broadway, Yonkers, New York; gloves and mittens; 10 learners (AT); effective November 26, 1943, expiring May 25, 1944.

Wells Lamont Smith Corp., Beardstown, Illinois; work gloves; 10 learners (AT); effective November 24, 1943, expiring May 23, 1944.

HOSIERY INDUSTRY

Guilford Hosiery Mills, 706 Grimes Street, High Point, North Carolina; men's seamless hosiery; 20 percent (AT); effective November 27, 1943, expiring May 26, 1944.

Hollar Hosiery Mills, Hickory, North Carolina; seamless hosiery; 10 learners (AT); effective November 30, 1943, expiring May 29, 1944.

The House of Byer, Inc., 18 Ames Street, Cambridge, Massachusetts; seamless hosiery; 5 learners (T); effective November 27, 1943, expiring November 26, 1944.

KNITTED WEAR INDUSTRY

Dutchess Underwear Corp., Old Forge, Pennsylvania; knitted underwear and sleeping garments; 10 percent (AT); effective November 25, 1943, expiring May 24, 1944.

Sprite Mfg. Co., Broad and Patterson Sts., Tamaqua, Pennsylvania; ladies' and infants' rayon underwear, ladies', men's and boys' polo shirts; 25 learners (AT); effective November 27, 1943, expiring May 26, 1944.

TEXTILE INDUSTRY

Lanning Bag and Specialty Company, Harvard, Illinois; cotton cloth bags; 3 learners (T); effective November 26, 1943, expiring November 25, 1944.

Maxik Products Company, Inc., 55 West 17th Street, New York, New York; braids and knit goods; 3 learners (T); effective November 29, 1943, expiring November 28, 1944.

Signed at New York, N. Y., this 27th day of November 1943.

MERLE D. VINCENT,
Authorized Representative of
The Administrator.

[F. R. Doc 43-19079; Filed, November 29, 1943; 10:52 a. m.]

LEARNER EMPLOYMENT CERTIFICATE

FROST VENEER AND PLYWOOD CO., INC.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14, thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the dates specified in each listed item below. The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in

the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Frost Veneer and Plywood Company, Inc., 11 South Water St., Sheboygan, Wisconsin; wood furniture mfg.; 16 learners (T); veneer, drying, sawing, clipping, joining, taping, sanding, inspecting and matching for a learning period of 160 hours at 35 cents an hour; effective December 1, 1943, expiring June 1, 1944.

Signed at New York, N. Y., this 27th day of November 1943.

MERLE D. VINCENT,
Authorized Representative of
The Administrator.

[F. R. Doc. 43-19078; Filed, November 29, 1943; 10:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-496]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 26, 1943.

Upon consideration of the application filed September 18, 1943, by The Manufacturers Light and Heat Company, a Pennsylvania corporation engaged in the transportation of natural gas between the States of West Virginia, Pennsylvania, and Ohio, and the sale of such gas for resale, for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, authorizing a connection with the facilities of J. D. Fowler & Company of Warrendale, Pennsylvania, at a point approximately 4,000 feet east of Route 19 at Pine Creek in McCandless Township, Allegheny County, Pennsylvania, and the sale of natural gas to that company for resale to ultimate consumers located in or adjacent to the Village of Wexford, Allegheny County, Pennsylvania;

The Commission orders that:

(A) A public hearing in this proceeding be held commencing on December 10, 1943, at 9:45 a. m., in the Allegheny County Court House, County Court Room No. 6, Fifth Floor, Pittsburgh, Pennsylvania, respecting the matters involved and the issues presented in this proceeding;

(B) Interested State commissions may participate in the hearing, as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-19073; Filed, November 29, 1943; 9:30 a. m.]

[Docket No. G-509]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 27, 1943.

Upon consideration of the application filed November 22, 1943, by Arkansas

Louisiana Gas Company, a Delaware corporation having its principal place of business at Shreveport, Louisiana, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction, operation and acquisition of the facilities referred to below; and

It appearing to the Commission that:

(a) The facilities for which authorization is sought to construct and operate are as follows:

(i) A 12-inch pipe line, 8.7 miles long, extending from Arkansas Fuel Oil Company's gasoline plant in Panola County, Texas, to the southern terminus of Applicant's existing line N-1 also in Panola County; and

(ii) A telephone line to parallel the proposed line, and to parallel Applicant's N-1 line a distance of 0.8 mile to its Adams compressor station;

(b) The facilities sought to be acquired consist of approximately 12,200 feet of four and eight-inch gathering lines to be constructed in Carthage Field, Panola County, Texas, by Walter B. Smith and others and then conveyed by the latter to Applicant;

(c) The application states that the proposed facilities herein referred to are required to supplement Applicant's supply of gas service to its present customers;

The Commission orders that:

(A) A public hearing be held commencing on December 9, 1943, at 9:45 a. m. (c. w. t.) in Civil Service Commission Room 502, United States Court-house building, Fort Worth, Texas, respecting the matters involved and the issues presented in this proceeding;

(B) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-19077; Filed, November 29, 1943;
10:21 a. m.]

FEDERAL TRADE COMMISSION.

[File No. 21-380]

MUSICAL INSTRUMENT AND ACCESSORIES INDUSTRY

NOTICE OF HEARING ON PROPOSED TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1943.

Notice of hearing, and of opportunity to present views, suggestions, or objections.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations or other parties or groups affected by or having an interest in the proposed trade practice rules for the Musical Instrument and Accessories Industry to present to the Commission

their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they may desire to submit, and to be heard in the premises. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Matters submitted in writing should be filed with the Commission not later than December 16, 1943. Opportunity for oral hearing and presentation will be afforded at 10 a. m., December 16, 1943, in Room 532, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations or other parties or groups as may desire to appear and be heard. After giving due consideration to all matters presented concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-19048; Filed, November 27, 1943;
11:28 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 7 to Order A-2]

CAST IRON BOILERS

ORDER GRANTING ADJUSTMENT

Amendment No. 7 to Order No. A-2 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (a) (8) is added to read as follows:

(8) *Cast-iron coal-fired hot-water supply boilers.* The subparagraph permits the granting of relief to producers of certain cast-iron coal-fired hot-water supply boilers as described under subdivision (i) who are unable to maintain or expand their production under their existing maximum prices whenever there is a shortage in the essential supply of the commodity.

(i) *Scope of this subparagraph.* The provisions of this subparagraph shall apply only to producers of cast-iron coal-fired, dome or flat top, brick-lined or unlined hot-water supply boilers (also referred to as tank heaters) which fall within all the following categories:

| | |
|-------------------------------------|---|
| Inside grate diameter. | 8 inches to 12 inches, inclusive. |
| Net weight of boiler. | 75 pounds to 370 pounds, inclusive. |
| Height (over-all). | 14 inches to 35 inches, inclusive. |
| Capacity: | |
| 25 degree (fahr.) temperature rise. | 65 gallons to 350 gallons, inclusive, per hour. |
| 40 degree (fahr.) temperature rise. | 40 gallons to 185 gallons, inclusive, per hour. |

*Copies may be obtained from the Office of Price Administration.

(ii) *Extent of relief to be granted.* Whenever it appears that a shortage exists or threatens to exist in the essential supply of cast-iron coal-fired hot-water supply boilers described in (i) above and that a producer of such commodities is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1, or on its own motion, by order, adjust his maximum price or prices by an amount necessary to permit the maintenance or expansion of such production upon a basis not in excess of the total cost to manufacture and sell.

In determining the amount of adjustment which may be granted, consideration will be given to such factors as:

(a) Revenue from sales of the commodities described in subdivision (i) and from all sources, and

(b) Cost of production and general, administrative, and selling expenses for total company operations and as allocated to commodities described in subdivision (i).

(iii) *What applicant should do before filing application.* Before filing an application for adjustment under the provisions of this subparagraph, each applicant shall obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that may be necessary in order that his application will receive attention.

(iv) *Passing on of permitted increase by levels beyond the producer.* In issuing adjustment orders under this subparagraph the Price Administrator will, wherever required, provide to what extent any increase permitted under this subparagraph, by way of adjustment, may be added to the maximum price or prices of sellers other than the producer.

This Amendment No. 7 to Order No. A-2 shall become effective November 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The reporting requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19027; Filed, November 26, 1943;
4:39 p. m.]

Regional and District Office Orders.

[Oklahoma City Restaurant MPR 5-7,
Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN OKLAHOMA CITY DISTRICT

For the reason set forth in the statement of considerations issued simultaneously herewith,* and under the authority vested in the Oklahoma City District Director of the Office of Price Administration, it is hereby ordered that section 22 of Restaurant Maximum Price

Regulation No. 5-7 be amended to read as set forth below:

Sec. 22. Licensing. The provisions of Licensing Order No. 1, requiring, and automatically granting, a license to all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 4th day of November 1943.

REX A. HAYES,
District Director.

[F. R. Doc. 43-19022; Filed, November 26, 1943;
4:42 p. m.]

[Region II Order G-23 Under RMPR 122]

PENNSYLVANIA ANTHRACITE IN NEW YORK CITY AREA

Order No. G-23 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Permitted increases in maximum prices for Pennsylvania anthracite sold subject to designated area dollars-and-cents orders.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring midnight May 31, 1944, it is ordered:

(a) Dealers making sales of Pennsylvania anthracite subject to the area dollars-and-cents orders listed in paragraph (b) of this order, may increase the maximum per net ton and per net ½ ton prices for designated sizes of anthracite established therein, by an amount not exceeding the following amount for each size:

| Size | Permitted addition to maximum per net ton price | Permitted addition to maximum per net ½ ton price |
|-----------------------------------|---|---|
| Broken, egg, stove, nut, pea..... | \$0.70 | \$0.35 |
| Buckwheat..... | .60 | .30 |
| Rice..... | .50 | .25 |
| Barley..... | .35 | .15 |
| Buckwheat #4..... | .35 | .15 |

(b) Area dollars-and-cents orders subject to increases set out in paragraph (a) herein. Revised Order No. G-1 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-2 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-3 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-5 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-6 under § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122.

Order No. G-7 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-8 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-11 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-12 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-13 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-14 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-15 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-16 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-18 under §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122.

Order No. G-19 under § 1340.260 of Revised Maximum Price Regulation No. 122.

(c) This order which may be revoked, amended, or corrected at any time, shall, unless earlier revoked or replaced, expire at midnight May 31, 1944.

This order No. G-23 shall become effective November 24, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 24th day of November 1943.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 43-19028; Filed, November 26, 1943;
4:46 p. m.]

[Region VI Order G-2 Under MPR 876, Amdt. 4]

FRESH VEGETABLES IN CHICAGO, ILL., REGION

Amendment No. 4 to Order No. G-2 under Maximum Price Regulation No. 376.

Adjusted maximum prices of certain fresh vegetables in Region VI.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, it is hereby ordered, That paragraph C. Carrots, of Appendix A be amended to read as follows:

C. CARROTS

| Point of origin | Size | Maximum price |
|------------------------------------|---|---------------|
| All points..... | L. A. Crate, with tops..... | \$4.80 |
| All points..... | Topped, per lb. net weight..... | .04 |
| California, Arizona and Texas..... | Washed with clipped tops in any container, per cwt..... | 5.60 |

This amendment to Order No. G-2 shall become effective November 22, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 925, 7 F.R. 7871)

Issued this 17th day of November, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19033; Filed, November 26, 1943;
4:45 p. m.]

[Region VI Order G-11 Under SR 15, MPR 280, 329]

FLUID MILK IN CLINTONVILLE, WIS.

Order No. G-11 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280. Maximum prices for specific food products and under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Adjustment of fluid milk prices for Clintonville, Wis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280 and § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors selling milk in Clintonville, Wisconsin, shall be \$3.05 per cwt. for 3.5 per cent milk, plus no more than 5½¢ for each ¼ of a pound butterfat above 3.5 per cent and minus no less than 5½¢ for each ¼ of a pound butterfat below 3.5 per cent.

(b) *Maximum distributor prices.* The maximum price for sale and delivery of fluid milk at wholesale and retail in the Clintonville, Wisconsin, area shall be:

| | Wholesale | Retail |
|--|-----------|--------|
| Sales in bulk (per gallon)..... | \$0.37 | \$0.42 |
| Sales in bottles and paper containers: | | |
| Gallon..... | .37 | .42 |
| Quart..... | .09¼ | .11¼ |
| Half pint..... | .03¼ | .05 |

(c) *Fractional cents.* When the adjusted maximum price for a sale of a single unit results in a figure containing a fraction of a cent, the figure should be adjusted to the next higher full cent in the case of a fraction of ½ cent or more and must be adjusted to the next lower

full cent in the case of a fraction of less than $\frac{1}{2}$ cent. On all sales of more than one unit (including all sales on which payment is made at the end of a certain period such as a week or a month regardless of the size or number of deliveries during the period), the maximum price containing the fraction shall be multiplied by the number of units.

For example: The price for a sale of one quart of standard milk at retail will be 12¢; 2 quarts at retail 23¢; 10 quarts at wholesale 95¢; 30 quarts at retail on a monthly bill \$3.45.

(d) *Definitions.* For the purpose of this order:

1. Sale and deliveries within the Clintonville, Wisconsin, area shall mean:

i. All sales made within the city limits of Clintonville, Wisconsin, and all sales at or from an establishment located in Clintonville, Wisconsin; and

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Clintonville, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(e) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall apply.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective November 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of November 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19034; Filed, November 26, 1943; 4:44 p. m.]

[Region VI Order G-15 Under MPR 329, Amdt. 1]

MILK IN CHAMPAIGN, URBANA AND RANTOUL, ILL.

Amendment No. 1 to Order No. G-15 under Maximum Price Regulation No. 329. Purchase of milk from producers for resale as fluid milk.

Producers' milk prices in Champaign, Urbana and Rantoul, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329; It is hereby ordered, That paragraph (b)

of Order No. G-15 be amended to read as follows:

(b) This order shall apply to all purchases of milk from the following classes of producers, by distributors whose bottling plants are located within the cities of Champaign, Urbana and Rantoul, Illinois, or who sell 50% of the milk sold by them in such cities:

(1) All producers who, during the months of September or October 1943 sold milk for resale in fluid form for human consumption to any distributor described above in this paragraph (b); and

(2) All producers located within Champaign County, Illinois who during September and October 1943 sold no milk to any buyer for resale in fluid form for human consumption.

This amendment shall be effective November 17, 1943.

(56 Stat. 23, 765, Pub. Laws, 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19035; Filed, November 26, 1943; 4:44 p. m.]

[Region VI Order G-16 Under MPR 329]

SALE OF MILK IN SPRINGFIELD ILL.

Order No. G-16 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Producers' milk prices in Springfield, Ill.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, It is hereby ordered:

(a) The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be, either:

1. \$2.80 per cwt. for 4% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%, or

2. The maximum price which distributors to whom this order applies are permitted to pay to producers pursuant to the provisions of Maximum Price Regulation No. 329, Purchases of Milk from Producers for Resale as Fluid Milk,

whichever of the above two prices is higher.

(b) This order shall apply to all purchases of milk by distributors whose bottling plants are located within Springfield, Illinois, or who sell in such city 50% or more of the milk bottled by them.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942, as

amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time.

This order shall be effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-19036; Filed, November 26, 1943; 4:45 p. m.]

[Region VIII Order G-1 Under 3 (c)]

CHEM-CO PRODUCTS CO.

Order No. G-1 under § 1499.3 (c) of the General Maximum Price Regulation. Order establishing maximum prices for certain wholesalers and retailers located within Region VIII for sale of Model "A" Refrig-O-Masters.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation, It is hereby ordered:

(a) The maximum price at which wholesalers located in Region VIII, who are unable to determine a maximum price pursuant to §§ 1499.2 or 1499.3 (a) of the General Maximum Price Regulation, may sell model "A" Refrig-O-Masters manufactured by Chem-Co Products Company, shall be \$5.85 per unit, less 40%, or \$3.51 per unit, with a cash discount of 2% for payment within 10 days.

(b) The maximum price at which retailers located within Region VIII, who are unable to determine a maximum price under §§ 1499.2 or 1499.3 (a) of the General Maximum Price Regulation, may sell model "A" Refrig-O-Masters manufactured by Chem-Co Products Company, shall be \$5.85 per unit.

(c) The term "Region VIII" as herein used means: The states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) This order shall become effective upon its issuance and shall apply to all sales and deliveries and offers to sell, whether heretofore or hereafter made of the above described commodity by the aforesaid persons.

(e) This order shall be subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of November 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-19081; Filed, November 26, 1943;
4:45 p. m.]

[Region VIII—Order G-30 Under MPR 329]

MILK IN DESIGNATED COUNTIES OF WASHINGTON

Order No. G-30 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, *it is hereby ordered:*

(a) The maximum price at which any person may purchase fluid milk from a producer whose dairy is located in Yakima or Benton County in the state of Washington shall be as follows:

(1) For purchases of milk f. o. b. the producer's dairy, the maximum price shall be \$.80 per pound milk fat.

(2) For purchases of milk delivered to the purchaser's plant, the maximum price shall be the price specified in paragraph (a) (1), plus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's plant, computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by the producer or the purchaser, the transportation allowance shall be the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of a carrier operated or controlled by the producer, the transportation allowance shall be an amount equal to the lowest available common or contract carrier rate for the same or similar service.

(b) *Definitions.* (1) "Fluid milk" means liquid cows' milk in a raw, unprocessed state meeting the minimum health and sanitary requirements specified by state and local health agencies, which is purchased for resale for human consumption as fluid milk. "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(2) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pick up point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(3) "Purchaser's plant" means a building where milk purchased from producers is collected and cooled by a purchaser by mechanical refrigeration prior to delivery to another plant or to wholesalers, retailers, or ultimate consumers.

(c) Order No. G-25 under Maximum Price Regulation No. 329 is hereby revoked.

(d) This order may be revoked, amended, or corrected at any time.

This order shall become effective November 27, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of November 1943.

L. F. GENTNER,
Regional Administrator.

Approved: BUELL F. MABEN,
Regional Director,
Pacific Region, War Food
Administration.

[F. R. Doc. 43-19029; Filed, November 26, 1943;
4:46 p. m.]

[Region VIII Order G-74 Under 18 (c)]

COLD STORAGE OF APPLES AND CANNERY PEARS IN WASHINGTON

Order No. G-74 under § 1499.18 (c) as amended of the General Maximum Price Regulation.

Cold storage of apples and cannery pears in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *it is hereby ordered:*

(a) Maximum prices for the cold storage of apples and cannery pears, including handling in and out of warehouse, in the state of Washington shall be determined as to each seller supplying the same service during the 1941-42 season by adding the amounts listed below to the highest prices of such seller for supplying such services to purchasers of the same class during the 1941-42 season:

Service and amount of increase

Cold storage of apples, \$0.05 per box.

Cold storage of cannery pears, \$1.65 per ton.

Where the price of a seller during the 1941-42 season was on the basis of a single charge for the entire season or period of storage, the increase permitted above may be added to the seasonal charge of such seller. Where the price of the seller during the 1941-42 season was on the basis of a charge per month or other period shorter than the entire period of storage, the increase permitted above may be added only to the charge for the first period and no addition may be made to the charges for periods subsequent to the first period.

(b) Maximum prices for the cold storage of apples and cannery pears, including handling in and out of warehouse, in the state of Washington shall be as to each seller not supplying the same service during the 1941-42 season the maximum prices established under paragraph (a) hereof for the most closely competitive seller of the same class who supplied such service during the 1941-42 season.

(c) *Definitions.* (1) The term "season" refers to the period during which fruit maturing in a particular year remained in cold storage.

(2) The term "1941-42 season" refers to the period of storage of fruit maturing during 1941.

(d) No seller shall evade any of the provisions of this Order G-74 by changing his customary allowances, discounts or other price differentials.

(e) This order may be amended, revoked, or corrected at any time.

(f) This order shall become effective as of the beginning of the 1943-44 season.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of November 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-19030; Filed, November 26, 1943;
4:45 p. m.]

[Houston Order G-2 Under MPR 426]

LETTUCE IN HOUSTON, TEXAS, DISTRICT

Order No. G-2 under Maximum Price Regulation No. 426, as amended. Maximum Prices for Lettuce.

An opinion accompanying this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Under the authority vested in the Regional Administrator for Region V of the Office of Price Administration, and by him delegated on the 15th day of July, 1943, to the District Director of the Houston, Texas, District, in accordance with the provisions of section 2 (b) of Maximum Price Regulation No. 426, as amended, it is hereby ordered:

SECTION 1. The maximum price for less than carlot or less than trucklot sales to any person, except an ultimate consumer, of Iceberg Lettuce in L. A. Crates containing from four to six dozen heads with a minimum net weight of sixty pounds shall be the maximum price for carlot or trucklot sales at any wholesale receiving point plus ninety cents.

SEC. 2. This order applies to all counties in the Houston, Texas, District except the corporate limits of the City of Yoakum.

SEC. 3. *Definitions.* The terms herein used shall be the same in meaning as like terms used in Maximum Price Regulation No. 426, and defined therein.

SEC. 4. This order is subject to revocation or amendment by the District Director at any time hereafter.

SEC. 5. This order is effective at 12:01 a. m. on the 22d day of November 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this the 20th day of November 1943.

STEPHEN J. TULLY, Jr.,
District Director.

[F. R. Doc. 43-19032; Filed, November 26, 1943;
4:46 p. m.]

[Lubbock District Order 1 Under MPR 5-5]

MALT BEVERAGES IN LUBBOCK, TEX., DISTRICT

Order No. 1 under Restaurant Maximum Price Regulation No. 5-5. Food

and drink sold for immediate consumption. Maximum prices for malt beverages.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority reserved in the District Director of the Lubbock, Texas, District Office, Region V, by section 22 of Restaurant Maximum Price Regulation No. 5-5, it is hereby ordered:

SECTION 1. What this order does. If you are a person covered by Restaurant Maximum Price Regulation No. 5-5, you must, notwithstanding the provisions of any other order or regulation, observe the ceiling prices established by this order for malt beverages, and keep records and post prices as subsequently specified.

Sec. 2. Your ceiling prices. Your ceiling prices for malt beverages are set forth below.

(a) *Bottled malt beverages.*

| Brand or trade name | Maximum price per bottle | |
|--|--------------------------|----------|
| | 12-ounce | 32-ounce |
| Blatz Pilsener domestic malt beverage (beer) | 18 | 39 |
| Budweiser domestic malt beverage (beer) | 18 | 39 |
| Coors domestic malt beverage (beer) | 18 | 39 |
| Hamms Preferred domestic malt beverage (beer) | 18 | 39 |
| Kingsbury domestic malt beverage (beer) | 18 | 39 |
| Miller's High Life domestic malt beverage (beer) | 18 | 39 |
| Harry Mitchell Premium domestic malt beverage (beer) | 18 | 39 |
| Harry Mitchell Lager domestic malt beverage (beer) | 13 | 29 |
| Muehlebach domestic malt beverage (beer) | 18 | 39 |
| Pabst Blue Ribbon domestic malt beverage (beer) | 18 | 39 |
| Prager domestic malt beverage (beer) | 18 | 39 |
| Schlitz domestic malt beverage (beer) | 18 | 39 |
| Blue Bonnet domestic malt beverage (beer) | 13 | 29 |
| Bohemian Style domestic malt beverage (beer) | 13 | 29 |
| Canadian Ace domestic malt beverage (beer) | 13 | 29 |
| Falstaff domestic malt beverage (beer) | 13 | 29 |
| Grand Prize domestic malt beverage (beer) | 13 | 29 |
| Jax Domestic malt beverage (beer) | 13 | 29 |
| K. C. Select domestic malt beverage (beer) | 13 | 29 |
| Lone Star domestic malt beverage (beer) | 13 | 29 |
| Macnolia domestic malt beverage (beer) | 13 | 29 |
| Pearl domestic malt beverage (beer) | 13 | 29 |
| Pioneer domestic malt beverage (beer) | 13 | 29 |
| Polo domestic malt beverage (beer) | 13 | 29 |
| Silver Fox domestic malt beverage (beer) | 13 | 29 |
| Southern Select domestic malt beverage (beer) | 13 | 29 |

(b) *Malt beverages on draught.* Any or all brands of domestic malt beverages (beer or ale) sold on draught by any eating or drinking place to which this order applies, may be sold at a price not in excess of one cent for each fluid ounce, exclusive of foam, *Provided, however,* That "Michelob" brand beer may be sold for one and one-half cents per fluid ounce, exclusive of foam.

(c) *Unbranded beverages.* Your ceiling price for any bottled malt beverage which does not carry a brand or trade name at the time of sale shall be the lowest ceiling price established by paragraph (a) above for the same size of bottle of malt beverage.

(d) *New and unlisted brands.* Your ceiling prices for new brands of malt

beverages or brands which are not listed above must be determined in advance of sale by making application to the District Office of the Office of Price Administration. This Office will establish your ceiling price or prices and notify you accordingly. Your application need not be in any set form but must show your name and address; the location and type of eating and drinking place; the trade name or brand of the beverage for which you apply for a ceiling price; the size of the bottle or glass sold to consumers; and a description of a unit of purchase and the delivered cost per unit to you.

(e) *Addition of taxes.* You may not add taxes to the ceiling prices provided for in the preceding paragraphs since taxes have already been taken into account in establishing these prices. If new or increased taxes render the prices inequitable, appropriate action will be taken by amendment.

Sec. 3. You must post prices. You must post the prices of the malt beverages sold by you either by:

(a) Supplying menus or bills of fare to your customers containing the brand name, quantity, and price of all malt beverages which are sold by you, subject to this order, or

(b) Posting a sign in a place where it can be easily read by your customers. On the sign you must show the brand name, quantity, and prices of the malt beverages you are selling subject to this order.

Sec. 4. Definitions. "Malt beverage" means any malt beverage produced either within or without the continental United States, which commonly goes by the name of beer or ale.

Sec. 5. Revoking and amending. (a) This order may be revoked, amended, or corrected at any time.

(b) You may petition for an amendment of any provision of this order (including a petition under Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that petitions will be filed with, and acted upon by the District Director.

This order shall become effective on the 1st of November 1943.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued at Lubbock, Texas, this 30th day of October 1943.

HOWARD R. GHOLSON,
District Director.

[F. R. Doc. 43-19062; Filed, November 27, 1943; 4:09 p. m.]

[St. Louis Order 1 Under MPR 5-8]

FOOD ITEMS AND MEALS IN ST. CHARLES, MO.

Order No. 1 under Restaurant Maximum Price Regulation No. 5-8. Food and drink sold for immediate consumption. Specific prices for certain food items and meals in St. Charles, Missouri.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority reserved in the District Director of the St. Louis District Office of Region V by section 22 of Restaurant Maximum Price Regulation No. 5-8, it is hereby ordered:

SECTION 1. Purpose of order. It is the purpose of this order to establish specific maximum prices for certain food items, beverages and certain meals sold by eating or drinking places covered by Restaurant Maximum Price Regulation No. 5-8 in the City of St. Charles, Missouri, except boarding houses.

Sec. 2. Your ceiling prices. Your ceiling prices for the food items listed in Appendix A and for the meals required to be served by section 4 are the prices entered in Appendix A for the group of eating or drinking places to which your establishment belongs. The meals are further described in Appendix B. The ceiling prices listed in Appendix A will prevail over the prices established under Restaurant Maximum Price Regulation No. 5-8 for these food items or meals. Your ceiling prices for all other food items or meals will continue to be those established under the regulation. Lower prices than those established by Appendix A may, of course, be charged.

Sec. 3. Classifications.—(a) *The groups.* This order classifies eating or drinking places into five groups and establishes ceiling prices applicable to each group. The groups are as follows:

(1) Any eating or drinking place operated by or in connection with a drug store belongs to Group 1.

(2) Any eating or drinking place, other than those operated by or in connection with a drug store, belongs to Group 2 if it derives the greatest percentage of its dollar volume of business from sales of sandwiches and drinks.

(3) Any other eating or drinking place belongs to either Group 3, Group 4, or Group 5. It belongs to Group 3 if the prices which it charged during the seven-day period from April 4 to April 10, 1943, correspond most closely to the ceiling prices listed in Appendix A for Group 3 places; to Group 4 if its April 4-10 prices correspond most closely to the ceiling prices established for that Group; and to Group 5 if its April 4-10 prices correspond most closely to the ceiling prices established for Group 5.

(4) Any eating or drinking place which during the period April 4-10, 1943, did not sell any items contained in Appendix A shall be in the same group as other establishments in the vicinity having substantially the same clientele, the same service, and the same quality of food.

(b) *Determination.* The District Director of the St. Louis District Office of the Office of Price Administration will determine the group to which your eating or drinking place belongs and will notify you of his determination. If, however, you have received no such notice by the effective date of this order or by the date when your place is first open, whichever is later, you must immediately inform the District Director and request him to determine your proper classification. When you have made such a request you may sell at the ceiling

prices for the group to which you believe your place belongs under the terms of paragraph (a), until such time as the District Director notifies you of your proper classification. If you fail to request the District Director to determine your proper classification, your place is automatically classified to be in Group 3, and you must not charge prices higher than the ceiling prices established for this group.

(c) *Review of determination.* If you are dissatisfied with the classification made by the District Director you may apply for a reconsideration of his determination. Your application must be filed with the District Director within thirty days after you receive notice of the classification.

SEC. 4. Duty to serve certain meals. (a) If you serve noon-day luncheons, whether table d'hôte or a la carte, and if your place belongs to a group for which a noon-day luncheon price is listed in Appendix A, you must offer each day at or below the price so listed at least two different luncheon selections of a content and quality equal or superior to the luncheons described in Appendix B. You may quote the price for these two luncheon selections either as a table d'hôte price for the complete luncheon or as a la carte prices for each item entering into the luncheon. However, if you quote prices for each item separately, the sum of these prices must not be more than the price listed in Appendix A for the complete luncheon.

(b) If you serve evening luncheons or dinners, whether table d'hôte or a la carte, and if your place belongs to a group for which an evening luncheon or dinner price is listed in Appendix A, you must offer each day at or below the price so listed at least two evening luncheon or dinner selections of a content and quality equal to or superior to the evening luncheons or dinners described in Appendix B. You may quote the price for these two evening luncheon or dinner selections either as a table d'hôte price for the complete evening luncheon or dinner or a la carte prices for each item entering into the meal. However, if you quote prices for each item separately, the sum of these prices must not be more than the price listed in Appendix A for the complete evening luncheon or dinner.

(c) If your eating or drinking place is in Group 3 or Group 4, and if you can show,

(1) That you did not serve evening luncheons during the seven-day period from April 4-10, 1943, at or about the price listed in Appendix A for such evening luncheons, and

(2) That the requirement that you must now serve such luncheons will seriously change your customary operating practices,

you may apply to the Director to be relieved of the obligation to serve the evening luncheon described in Appendix B.

(d) If during the seven-day period from April 4-10, 1943, your establishment served no luncheons or dinners other than specialty meals such as steak din-

ners, chicken dinners, barbecued beef, or Mexican and Chinese dishes, you may apply to the District Director for relief from the obligation to serve the meals described in Appendix B.

SEC. 5. Posting. (a) In addition to the posting required by Restaurant Maximum Price Regulation No. 5-8, you must post in a conspicuous place your classification as determined by the District Director and a copy of the prices applicable to your establishment under this order.

(b) If you have been relieved of the necessity of serving meals under paragraph (c) or paragraph (d) of section 4 of this order, you must post in a conspicuous place in your establishment the certificate of the Director relieving you of that necessity.

SEC. 6. Definitions. (a) "Noon-day luncheon" means any entree or main dish served separately or in combination with other food items or beverages as a mid-day meal.

(b) "Evening luncheon or dinner" means any entree or main dish sold separately or in combination with other food items or beverages sold as an evening meal.

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, the General Maximum Price Regulation, and Restaurant Maximum Price Regulation No. 5-8 shall apply to the other terms used herein.

APPENDIX A

| Item | Group I | Group II | Group III | Group IV | Group V |
|--|---------|----------|-----------|----------|---------|
| Noon luncheon | | | \$0.40 | \$0.55 | \$0.65 |
| Evening luncheon or dinner | | | .40 | .55 | .65 |
| Vegetable lunch | | | .35 | .45 | .45 |
| BREAKFASTS | | | | | |
| Cereal with milk | | \$0.10 | .10 | .15 | .15 |
| Buttered toast | \$0.10 | .10 | .10 | .10 | .10 |
| 1 egg, toast, and coffee | .25 | .25 | .25 | .30 | .30 |
| 2 eggs, toast, and coffee | .30 | .30 | .30 | .30 | .40 |
| Bacon, ham, or sausage, 1 egg, toast, and coffee | .30 | .30 | .40 | .45 | |
| Bacon, ham or sausage, 2 eggs, toast, and coffee | .40 | .40 | .50 | .55 | |
| Hot cakes | | .20 | .20 | .20 | |
| Waffle | | | .20 | .20 | |
| SANDWICHES | | | | | |
| Bacon and tomato | | .20 | .20 | .20 | .25 |
| Lettuce and tomato | .20 | .15 | .15 | .15 | .20 |
| Barbecue | | | | .20 | |
| Cheese (American) | .15 | .10 | .15 | .15 | .20 |
| Beef or pork | .15 | .15 | .15 | .20 | .25 |
| Ham, boiled or baked | .20 | .15 | .15 | .20 | .25 |
| Goose liver | .15 | .10 | | | .20 |
| Hamburger | .15 | .10 | .10 | .15 | .15 |
| Egg | .10 | .10 | .10 | .10 | .15 |
| Hot beef, potatoes, and gravy | | | .25 | .30 | .30 |
| BEVERAGES | | | | | |
| Coffee (hot) | .05 | .05 | .05 | .05 | .05 |
| Tea, iced | | | .10 | .10 | .10 |
| Sweet milk (½ pint) | .05 | .05 | .05 | .05 | .05 |
| Buttermilk | .05 | .05 | .05 | .05 | .05 |
| SOUP, PIE, ROLLS | | | | | |
| Soup (homemade) | | .10 | .10 | .15 | .15 |
| Soup (canned) | .15 | .15 | .15 | .15 | .20 |
| Chili | .15 | .15 | .15 | .15 | .15 |
| Pie | | .10 | .10 | .10 | .10 |
| Cake | | .05 | .10 | .10 | .10 |
| Doughnuts | .05 | .05 | .05 | .05 | .05 |
| Sweet roll (plain) | .05 | .05 | .05 | .05 | .05 |

| Item | Group I | Group II | Group III | Group IV | Group V |
|-----------------------|---------|----------|-----------|----------|---------|
| JUICES | | | | | |
| Orange juice | \$0.10 | \$0.10 | \$0.10 | \$0.15 | \$0.15 |
| Tomato juice | .10 | .10 | .10 | .15 | .15 |
| Grapefruit juice | .10 | .10 | .10 | .15 | .15 |
| FOUNTAIN ITEMS | | | | | |
| Malted milk | .15 | .15 | .20 | .20 | .20 |
| Ice cream soda | .15 | .15 | .15 | .15 | .15 |
| Sundae | .15 | .15 | .15 | .15 | .15 |
| Milk shake | .15 | .15 | .15 | .15 | .15 |
| Dish of ice cream | .10 | .10 | .10 | .10 | .10 |

APPENDIX B—DESCRIPTION OF ITEMS

NOON LUNCHEONS AND EVENING LUNCHEON OR DINNER COMBINATIONS

Choice of one entree

1. Hamburger steak.
2. Meat loaf (ham, veal, etc.).
3. Chicken fried steak.
4. Roast beef.
5. Roast pork.
6. Beef stew.
7. Fillet of perch.
8. Cat fish.
9. Chicken pie.
10. Chicken a la king.
11. Liver and onions.
12. Croquettes (ham, chicken or salmon).
13. Short ribs.

Choice of 2 vegetables—one of which may be potatoes

Bread and butter
Drink

Vegetable Luncheon

Choice of 4 vegetables or 3 vegetables and salad

Bread and butter
Drink

This order shall become effective October 25, 1943.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued at St. Louis, Missouri, this 11th day of October 1943.

WILLIAM H. BRYAN,
District Director.

[F. R. Doc. 43-19063; Filed, November 27, 1943; 4:09 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-318]

GUARDIAN INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of November, A. D. 1943.

An application having been filed by The Guardian Investment Trust under and pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order exempting it from the provisions of Rule N-23C-1 promulgated thereunder

to the extent that paragraph (a) (1)* of the said rule prohibits the applicant from repurchasing its preferred shares which are in arrears on the payment of dividends;

It is ordered, Pursuant to section 40 (a) of the said act, that a hearing on the aforesaid application be held on December 6, 1943 at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest and for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-19007; Filed, November 26, 1943;
4:29 p. m.]

[File No. 54-46]

LONE STAR GAS CORP., ET AL.

NOTICE OF FILING OF PLAN AND ORDER FOR
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of November, A. D. 1943.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, et al.

The Commission having, by order dated October 22, 1942, approved a plan filed under section 11 (e) by Lone Star Gas Corporation and subsidiary companies for the purpose of complying with the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and having ordered Lone Star Gas Corporation to take certain action pursuant to section 11 (b) of the Act (File No. 54-46), the said order providing in part, for the disposition by the Lone Star Gas holding company system of all interests in the natural gas distribution properties operating in El Paso, Texas;

Notice is hereby given that Lone Star Gas Corporation and Lone Star Gas Company (which company, in accordance with the said plan, was formed to own and operate the gas transmission and distribution properties of the Lone Star Gas system), have filed a declaration pursuant to section 12 (d) as an amendment to said plan under section 11 (e) approved by this Commission. All interested persons are referred to said

documents which are on file in the office of the Commission for a full statement of the transaction therein proposed, which may be summarized as follows:

Lone Star Gas Company proposes to sell to Southern Union Gas Company, which company operates natural gas properties in New Mexico, Texas, and Oklahoma, all of its properties and business in and around the City of El Paso, Texas, for a base purchase price of \$2,700,000 cash subject to certain adjustments;

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to further order of the Commission;

It is ordered, That hearings on such matter under the applicable provisions of said Act and Rules of the Commission thereunder be held on December 9, 1943, 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transaction is in compliance with the Commission's order dated October 22, 1942 approving a plan under section 11 (e) filed by the Lone Star holding company system and directing certain action to be taken pursuant to section 11 (b) and is otherwise in compliance with the applicable standards of the Act.

2. Whether the proposed consideration to be received for the El Paso properties and assets is reasonable.

3. Whether, if the proposed transaction is approved by the Commission, it is necessary and appropriate to impose terms and conditions in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Lone Star Gas Company, to the Railroad Commission of Texas, and the City of El Paso; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any other person desiring to be heard in connection with

these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before December 4, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-19043; Filed, November 27, 1943;
11:03 a. m.]

[File No. 70-782]

NORTHERN NATURAL GAS CO. AND ARGUS
NATURAL GAS CO., INC.

ORDER PERMITTING APPLICATIONS AND
DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of November 1943.

Northern Natural Gas Company, a registered holding company, and its wholly-owned subsidiary, Argus Natural Gas Company, Inc., having filed applications and declarations, and an amendment thereto, pursuant to the applicable sections of the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, regarding the proposal of Argus Natural Gas Company, Inc. to sell and of Northern Natural Gas Company to buy, the pipe line system, including transmission, branch and gathering lines and town border stations, but excluding the distribution systems, owned by Argus Natural Gas Company, Inc. together with all gas-purchase contracts under which gas is supplied to such pipe line system; the consideration therefore being an amount equal to the net book value as it will be recorded on the books of Argus Natural Gas Company, Inc. on December 31, 1943, to be paid by the cancellation and surrender by Northern Natural Gas Company of \$700,000 principal amount of unsecured Promissory Notes, Series "A", 4½%, of Argus Natural Gas Company, Inc., remaining unpaid at the date of the transfer together with the payment of the balance of the consideration in cash (estimated at \$65,742.50); and

A public hearing having been held on such applications and declarations, as amended, after appropriate notice; and the Commission having made and filed its findings and opinion herein;

It is hereby ordered, That said applications and declarations, as amended, be, and they are, hereby, respectively granted and permitted to become effective forthwith, subject to compliance with all applicable orders or requirements of the Federal Power Commission and the State Corporation Commission of Kansas and the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 43-19044; Filed, November 27, 1943;
11:02 a. m.]

[File Nos. 54-75, 70-726]

THE COMMONWEALTH & SOUTHERN CORP.
(DELAWARE)ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of November, 1943.

The Commonwealth & Southern Corporation (Commonwealth), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder regarding the proposed payment of a dividend of \$1.00 per share (payable on the 28th day after approval by this Commission to stockholders of record at the close of business on the 14th day thereafter) on its 1,482,000 shares of preferred stock outstanding, the aggregate amount of such dividend being \$1,482,000.

Said declaration having been filed on November 9, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission regarding the proposed payment as similar in principle to the dividend payments permitted by the Commission in its orders of June 24, 1943 (Holding Company Act Release No. 4383) and September 13, 1943 (Holding Company Act Release No. 4560), in which the Commission considered the payments as being out of capital and subject to the provisions of section 12 (c) and Rule U-46, in view of the contemplated restatement of the carrying value of Commonwealth's investments as proposed in a plan of recapitalization now pending before this Commission; Commonwealth having conceded that such a recapitalization will result in a decrease in the carrying value of such investments by an amount not less than Commonwealth's earned surplus as at July 31, 1943, plus such earnings as may accrue during the remainder of the year; and

Commonwealth having requested that the effective date of its declaration be accelerated to facilitate the prompt payment of the proposed dividends to the preferred stockholders; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, subject, however, to the condition that Commonwealth ac-

company the dividend checks with a statement indicating that the dividend is being paid out of capital.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 43-19071; Filed, November 29, 1943;
9:31 a. m.]

[File No. 70-819]

INDIANA GAS UTILITIES CO., ASSOCIATED
ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 26th day of November, 1943.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Indiana Gas Utilities Company.

All interested persons are referred to said application-declaration which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to acquire all the assets of Indiana Gas Utilities Company, subject to its liabilities, upon the surrender by Associated Electric Company to Indiana Gas Utilities Company, for cancellation, of all the outstanding shares of capital stock of, and claims against, Indiana Gas Utilities Company. Among the assets of Indiana Gas Utilities Company to be delivered to Associated Electric Company are 940 shares of common capital stock, \$1 par value, of Atlantic Utility Service Corporation, which formerly rendered accounting, financial and engineering services to various companies in the Associated Gas and Electric Company system. Indiana Gas Utilities Company will then be dissolved.

Applicants-declarants have designated sections 9, 10 and 12 of the act, and Rules U-42, U-43, U-45, and U-46 promulgated thereunder, as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matters under the applicable provisions of said act and the Rules of the Commission thereunder be held on December 10, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters;

1. Whether the proposed transactions are appropriate and in the public interest and the interest of investors;

2. Whether the proposed acquisition by Associated Electric Company complies with the provisions of section 10 of the act;

3. The propriety of the proposed accounting treatment of the proposed transactions on the books of Associated Electric Company;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

5. Whether the proposed transactions comply with all the applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and rules and regulations promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 43-19072; Filed, November 29, 1943;
9:31 a. m.]

WAR FOOD ADMINISTRATION.

SUBURBAN CHICAGO, ILL., MILK MARKETING
AREAEXTENSION OF TIME FOR FILING EXCEPTIONS
TO DIRECTOR'S REPORT

Pursuant to § 900.12 (c) of the rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2813), Food Distribution Administration, War Food Administration, notice is hereby given that the time for filing exceptions to the report¹ of the Director of Food Distribution with respect to a proposed marketing agreement and to a proposed marketing order regulating the handling of milk in the Suburban Chicago, Illinois, marketing area is extended to and including the 4th day of December, 1943.

Done at Washington, D. C., this 26th day of November 1943.

C. W. KITCHEN,

Acting Director of Food Distribution.

[F. R. Doc. 43-19008; Filed, November 26, 1943;
3:37 p. m.]¹ 8 F.R. 15759.